'HE ABRAMOFF SCANDALS

The Nation.

III

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110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
106-998

H. RES. 23

CONSIDERATION OF ARTICLES OF IMPEACHMENT

GEORGE WALKER BUSH,

PRESIDENT OF THE UNITED STATES

RESOLUTION

The resolution is as follows:

Resolved, that GEORGE WALKER BUSH, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against GEORGE WALKER BUSH, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

by ELIZABETH HOLTZMAN

ARTICLE I

In his conduct while President of the United States, GEORGE WALKER constitutional oath faithfully to execute the office ed States and, to the best of his ability, preserve, Constitution of the United States, and in violation y to take care that the laws be faithfully executed, nd manipulated the laws of the United States for tlined herein.

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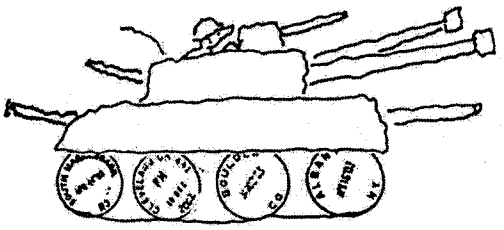

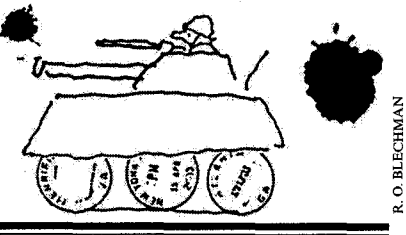

R. O. BLECHMAN

McCAIN TORTURE BILL A BUST

Washington, DC

■ Despite the fanfare, the McCain bill banning cruel and degrading treatment is less a shot in the arm than a shot through the head. The bottom line? All forms of abuse are now illegal, but no torturers will go to prison. For survivors of US-sponsored torture in Latin America, this "wink and a nod" approach gives a chilling sense of déjà vu.

(Torture, of course, is prohibited by our Constitution and treaties. Under 18 USC 2340, torture abroad is a felony. The statute's definition includes virtually all the techniques now used on detainees. War crimes trials are already required. The Administration has tried to sidestep this by insisting that waterboarding and other techniques are "merely" cruel and degrading but not torture. That is for the courts to decide. However, it is good that this second, lesser category is now also banned.)

The damning provisions of McCain's bill grant new legal defenses to torturers. The agents can say they were following orders. Rumsfeld will claim he was relying on advice of counsel, and Gonzales will say he merely gave his legal opinion. Meanwhile, the Graham amendment blocks the detainees from going to court directly. These new provisions face fierce legal battles. If we are to comply with international standards, let alone our own laws and treaties, this de facto grant of immunity for war crimes must fall.

Why are trials for torturers necessary? For the same reason Nuremburg was: to assure that this never happens again. A decade ago my husband was tortured for two years, then thrown from a helicopter by CIA informants in Guatemala. Throughout this ordeal, the CIA knowingly paid his torturers. Congress promised "never again," but no one was ever charged or tried. Hence, the crimes continue today. JENNIFER HARBURY

HAITI THRU ROSE-COLORED GLASSES?

New York City

■ Having spent the better part of a decade living and working as a journalist in Haiti, I would be remiss if I did not respond to Mark Weisbrot's "Undermining Haiti" [Dec. 12]. Articles like this, hatched in a cocoon of ideology where rude reality never intrudes, do little to help that long-suffering country.

While Weisbrot is content to blame the ouster of the Aristide government on the suspension of international aid to Haiti and a dark cabal of "mass murderers and former death squad leaders" and to bemoan that democracy is being destroyed "openly and in broad daylight," the political landscape in Haiti is far different from the one he paints, just as the popular movement against the brutality and criminality that came to typify the Aristide government in fact has roots that go far beyond recent armed insurrection.

From the summer of 2002, when the Aristide government attempted to seize control of Haiti's state university system and a cooperative pyramid investment scheme that was closely linked to regime loyalists collapsed, the cracks in the government's house began to widen, long before members of the Cannibal Army street gang (which served as a progovernment group until the murder of its leader, Amiot Metayer, in September 2003) rose up to seize the northern city of Gonaives in February 2004.

Nowhere does Weisbrot mention the myriad events that eventually caused tens of thousands of Haitians to take to the streets in protest at the end of 2003 and beginning of 2004: the brutal March 2002 eviction of peasant farmers from the Maribaroux Plain by Aristide's security forces to make way for a sweatshop; the Aristide government's thwarting of the investigation into the murder of Haiti's most prominent journalist, Jean Léopold Dominique; the December 2003 attack on a group of university students by gangs acting in visible collusion with police that saw at least six shot, a dozen more stabbed and beaten, and the university's rector pummeled with iron bars until he could no longer walk.

This past summer's declaration by four of Haiti's most politically progressive organizations—the Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif (PAPDA), Groupe d'Appui aux Rapatriés et Réfugiés (GARR), Solidarité des Femmes Haïtiennes (SOFA) and Centre National et International de Documentation et d'Information de la Femme en Haïti (EnfoFanm)—calling for Aristide to be judged for his crimes against the Haitian people is likewise nowhere referred to.

In addition, despite the contention that the Fanmi Lavalas Party "has not registered any candidates for president," two distinct candidates have in fact picked up the Lavalas banner. One, former World Bank official and Aristide Cabinet minister Marc Bazin, has the public support of former Cabinet minister Leslie Voltaire, former Senate president Yvon Feuillé and former Chamber of Deputies president Rudy Herivaux. The other, former president René Préval, whose support among Haiti's peasant majority has always been far greater than anything Aristide was able to drum up, is running under the banner of the former Lespwa (Hope) coalition, and will be the contest's likely victor.

Haiti's problems did not begin and do not end with Aristide, but whitewashing the past ten years of Haiti's history does no one any favors.

Someday, maybe, my compatriots on the left will have the courage and moral energy to examine Jean-Bertrand Aristide's real legacy in Haiti, but neither *The Nation* nor Weisbrot seems able to muster those virtues with regard to Haiti at present. That saddens me; I feel that all those who lost their lives there over the years deserve better. MICHAEL DEIBERT

author, Notes From the Last Testament: The Struggle for Haiti

WEISBROT REPLIES

Washington, DC

■ Michael Deibert does not challenge that a democratically elected president of Haiti (Aristide) was twice (1991 and 2004) overthrown and replaced with a brutal, violent dictatorship. Nor does he deny that the current dictatorship keeps opposition leaders as political prisoners and intends to hold an election to replace the constitutional government with them in jail. Nor does he dispute that the United States waged a multiyear destabilization campaign supporting the 2004 coup, which included cutting off almost all international (not just US) aid to a government that could not function without these funds, as well as providing massive funding for opposition groups.

What then is his point? If Deibert could show that Aristide's government was a monstrosity, like Saddam Hussein's, he could argue that the illegal and violent overthrow was justified, as George W. Bush does regarding Iraq. But Aristide's government compares favorably with previous governments, other countries of similar per-capita income levels (mostly in Africa) and, most glaringly, with the current dictatorship that Washington has installed. These are the relevant comparisons, not some ideal invoked in order to justify this terrible crime. With regard to the current dictatorship, there is no comparison—an uncounted number, probably in the thousands, have been murdered since the coup. Most of the Fanmi Lavalas leadership and activists are in jail, hiding or exile. Nothing approaching this magnitude of state-sponsored violence or repression existed under Aristide. The current violence is primarily a result of trying to deny Haitians the right to a free election, which Lavalas (and even Aristide today) could win overwhelmingly.

Deibert's excuses for this forced exclusion are weak. Marc Bazin seems to have very little support within the Lavalas Party. Préval does have support, and may even win, but so might others who are not allowed to run. And the repression of Lavalas will make it more difficult for Préval to end up with a working majority in the legislature if he wins. Haitians should

(Continued on Page 24)

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EDITORIALS

Kickback Mountain

Scandals are healthy for the body politic. Like fevers and other symptoms of physical illness, they alert us to the diseases that attack our democracy and its government, and the publicity that accompanies major scandals often leads to the removal of the most toxic agents from the system. Such has been the case with the scandal surrounding Republican super-lobbyist Jack Abramoff. The revelations regarding his transformation from conservative partisan into ultimate Washington fixer have confirmed, for anyone who was still unsure, that Washington under Republican rule is defined by a culture of corruption. And it has removed from the councils of leadership the pre-eminent practitioner of that corruption, Congressman Tom DeLay, who, faced with Abramoff's decision to rat out his co-conspirators, gave up his quest to return as House majority leader.

So far, so good. But now we get to the tricky part of any political scandal: the question of whether the initial revelations and removals will be misinterpreted as cures for what ails a very sick system. As of now, the scandal has wrought no change in the way business is done in Washington. And there is every reason to believe that the House Republican Caucus will continue to be run by junior DeLays, who amid talk of how everyone must follow the rules will quickly get back to the business of bending those rules in the same direction as did their deposed master. Roy Blunt, the veteran DeLay lieutenant who is the frontrunner to replace his former boss, is not going to change a thing. Blunt's chief challenger, John Boehner, talks a better line about cleaning up the caucus, but Boehner's been swimming for years in the same pay-to-play pool as DeLay and Blunt. No one is standing for the GOP leadership as a genuine reformer echoing the honest talk of renegade conservatives like Jeff Flake, who told his fellow Republicans, "We don't just need new leaders, we need a course correction. This is deeper than just who stands at the head of the party. We have created a system here...that just breeds corruption." Flake's right about that, just as he is right to point out that unless Republicans enact "meaningful reforms" now, they may be in the minority after midterm elections. An AP/Ipsos poll, taken after Abramoff accepted a plea deal and agreed to cooperate with a Justice Department investigation of Congressional wrongdoing, found that Americans favored handing control of Congress to the Democrats by a 49-to-36 margin.

But this is not a time for Democrats to stand by and delight in the disarray of the GOP majority, as they did in 2001 when the Enron scandal was unfolding. The revelations about Abramoff's actions have muddied a lot of Republicans, from George W. Bush and House Speaker Dennis Hastert to pre-eminent GOP fixers like Grover Norquist and Christian right leader Ralph Reed, all the way down to rank-and-filers like Senator Conrad Burns and appropriately named Congressman John Doolittle. But they have also dirtied some Democrats, including Senate minority leader Harry Reid, who accepted more than $66,000 in campaign contributions from Abramoff's operations. Reid now says the Republican-led Congress is "the most corrupt in history." Perhaps, but that does not mean that, come November, the American people will necessarily decide that Washington's ills are best addressed by shuffling control of Congress. If Democrats want to be taken seriously as the party of reform, they should follow the lead of Senator Russ Feingold. Feingold's not playing any games with this scandal; though he received no money from Abramoff or the lobbyist's associates, he has gone so far as to return a small contribution from a political action committee linked to a powerful Washington law

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firm, Greenberg Traurig, for which Abramoff once worked.

Feingold understands that Democrats who would identify themselves as reformers have to start with clean hands. He also understands that reformers need more than symbolism; they need a program. While there are moves afoot to enact slightly tougher controls on the free meals, entertainment and travel that members of Congress now accept from lobbyists, Feingold and Massachusetts Democrat Marty Meehan are pushing for an appropriately aggressive agenda that would bar gifts from lobbyists to members of Congress and Hill staffers, would double—to two years—the time retiring lawmakers must wait before lobbying Congress and double to $100,000 the fine for failing to file lobbying reports.

Feingold and Meehan have been proposing these measures for almost a year. With the opening provided by the Abramoff scandal, they should go even further. For instance, Feingold and Meehan want lobbyists to file quarterly reports on their activities. But why shouldn't lobbyists file weekly, or daily, and why shouldn't Congress members and their staff be required to file daily reports on their meetings with lobbyists and the pending legislation discussed? And why bar gifts from lobbyists without barring the ultimate benefit they direct to politicians: huge campaign contributions, which Feingold correctly identifies as "legalized bribery"? Voters are not going to get very excited about a reform agenda that lacks meaningful campaign finance reforms, including voluntary public financing for federal candidates who agree to raise no private money and abide by spending limits.

Public financing is essential, as it signals a recognition that Congress has been corrupted not by Abramoff but by the steady flow of corporate campaign contributions that provide lobbyists with the muscle to influence members of both parties to such an extent that those who are supposed to be regulated are writing the rules—literally. That, and not the details of Abramoff's dirty dealing, is what Americans think of when they hear the term "culture of corruption." And only by promising to change that culture, with ethics and campaign finance reforms designed to dramatically reduce the ability of corporate interests to call the tune in Washington, will Democrats get a hearing from the great mass of Americans who believe that both parties are compromised. If Democrats are serious about becoming the party of reform, they cannot merely treat the symptoms that the latest scandal has exposed. The cure will be complete only when a corporate lobbyist like Jack Abramoff has no more influence in Washington than a constituent in Weirton or Waukesha or Walla Walla.

COMMENT

Newt's New Con

Of all the voices berating the Republican Party for its culture of corruption, none rings more hollow than Newt Gingrich's. According to the Associated Press, the former House Speaker has said he is considering running for President in 2008. Now, in preparation, he is leading a stampede of corrupt Republicans desperate to distance themselves from

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COMMENT

the money-for-votes scandal plaguing the nation's capital.

Gingrich isn't stupid. He knows that in today's era of establishment-worshiping journalism, all he had to do was give one speech pretending to be outraged at the scandals and the media would largely ignore that Gingrich was the happy midwife of the out-of-control corruption America is now living through.

Gingrich's calculation was right: The media fawned on cue when he derided his party for engaging in "a system of corruption." He was lauded as "one of Washington's Big Thinkers" by the *Chicago Tribune*, praised by the *Washington Post* for issuing a "dire alarm," embraced by *Newsweek* as a "bipartisan reformer" and venerated by the *New York Times* as having supposedly headed an "anticorruption revolution" when he came to power in 1994. Other media simply quoted Gingrich saying, "We need to clean this mess up" without so much as mentioning his complicity in making the mess.

And "complicity" is putting it mildly.

Gingrich, after all, was the architect of the so-called K Street Project, which is at the center of the current corruption scandals. As the *Post* reported in 2002, "Starting in the mid-1990s, some Republicans, including then–House Speaker Newt Gingrich (R-Ga.) and [Representative Tom] DeLay, have advocated tracking the political affiliation of lobbyists, as part of an effort to place more conservatives on K Street." In return, K Street would help the GOP ram through corporate-written legislation and fill GOP coffers with campaign contributions. It worked perfectly. *The American Prospect* reported in 2000 that within the first six months of Gingrich's tenure as Speaker, "the Republican leadership introduced a spate of controversial bills gutting regulatory agencies" and that "business contributions more than doubled from what they had been during a comparable period in 1993." By 1998 Gingrich wasn't even trying to hide the K Street Project, as he "held up a vote on intellectual property legislation in protest of the Electronics Industry Association's plan to hire a Democrat to run the group," according to the *Post*. In fact, when Gingrich resigned at the end of 1998, the *Hill* newspaper ran a story headlined NEWT'S DEPARTURE DEFLATES KEY LOBBYISTS, which detailed the unsuccessful effort by Gingrich and corporate lobbyists to help him hold on to power and preserve K Street's bridge into Congress.

Gingrich is now puffing out his chest and telling everyone what a bad guy he supposedly thinks Jack Abramoff is—but he is noticeably silent when it comes to how he was Abramoff's prime sponsor, the one who helped the GOP lobbyist ascend to power in the first place.

In 1994 Abramoff parlayed his close connections with Gingrich into a big job at the lobbying firm Preston, Gates & Ellis. The firm issued a press release upon hiring Abramoff, noting that he "developed and maintains strong ties to Speaker Newt Gingrich." In 1995 the *Times* noted how the relationship between Abramoff and the Speaker was fueling the K Street Project: "Jack Abramoff, a lobbyist here who is close to Mr. Gingrich, said House Republicans were watching very closely to see whether lobbyists were making more than a token effort to help Republicans stay in power." That same year *National Journal* noted that Abramoff was climbing to prominence as the key middleman between corporate interests and Gingrich: "The GOP victories in 1994 transformed [Abramoff] into a valuable asset as law firms recruited activists with connections to the new Gingrich team." By 1998 *Washingtonian* magazine noted that "few lobbyists in Washington are closer to House power brokers Newt Gingrich and Tom DeLay than Abramoff."

But incredibly, reporters now ignore all of this, as it conflicts with the story line of Gingrich-as-clean-money-reformer—even while Gingrich himself is employed as a corporate shill. He is the head of the Center for Health Transformation—an organization, the *Times* recently noted, financed mostly by corporations that "pay yearly fees of up to $200,000" for Gingrich's legislative expertise in pushing corporate America's profit-at-all-cost healthcare agenda.

The truth is, Gingrich's posturing as an anticorruption "reformer" is as credible as Senator John McCain's calling himself a campaign finance reformer right after being implicated in the Keating Five scandal, and right before using corporate jets to fly all over the country for his presidential campaign. Or, in pop culture terms, it's as believable as Tony Soprano telling the police he's outraged that hit men are carrying out his orders. Only it's worse because the authorities—in this case the media—are swallowing the argument whole.

DAVID SIROTA

David Sirota is the author of the upcoming Hostile Takeover, *due out in May, which analyzes how corporate interests have bought America's political system. He is co-chair of the Progressive Legislative Action Network.*

Israel After Sharon

Tel Aviv

An Israeli Rip Van Winkle who went to sleep in 1982—right after 400,000 Israelis gathered in Tel Aviv to protest then–Defense Minister Ariel Sharon's allowing his Lebanese Christian Phalangist allies to enter the Sabra and Shatila refugee camps, where they massacred between 700 and several thousand Palestinians—would be astonished to wake up in January 2006 and discover an entirely different attitude toward "Arik, King of Israel."

He would be amazed to hear left-wing Meretz-Yahad Party chair Yossi Beilin—architect of the Oslo Accords and the recent Geneva Accord, which advocates a two-state solution based on the 1967 Green Line borders—declare that after the next elections his party would be ready to provide a safety net for Kadima, Sharon's new centrist party, to enable it to carry out further moves toward Israeli-Palestinian peace.

And now, suddenly, the Sharon era is over, even if the man is still alive.

Billy Joel's "We Didn't Start the Fire" could be the soundtrack for what's happening in Israel—a frantic series of events that have dramatically changed the political landscape. Last summer's disengagement of Israeli military forces from Gaza and the dismantling of twenty-one settlements there and four in the northern West Bank was followed by the surprising victory of Histadrut Trade Union leader Amir Peretz over Shimon Peres to become

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COMMENT

head of the Labor Party. While Peres had been a loyal (some would say docile) partner for Sharon's Likud in a national unity government, Peretz—the first Moroccan Jew to lead a major party, former mayor of the southern development town of Sderot and firm believer in the creation of a true social democratic alternative to the free-market policies of Likud Finance Minister Benjamin Netanyahu—immediately took the Labor Party out of the government. Unlike Sharon, Peretz believes there is a Palestinian partner for negotiations, and he considers the settlement enterprise to be a tremendous drain on Israel's economy and society.

The loss of a Labor partner, coupled with constant attempts to undermine his authority by the anti-disengagement Likud "rebels" led by Netanyahu, triggered Sharon's decision to split the Likud—which he himself had initiated back in 1974—by forming Kadima to carve out Israel's "permanent borders" and a two-state solution, with or without Palestinian agreement.

And now, suddenly, Ehud Olmert is the acting Prime Minister, and everyone is trying to understand the implications for the upcoming March 28 elections.

Kadima ("Forward") was based on Sharon's tremendous popularity and reputation as a man of his word, someone who could act for both security and peace, the most experienced player in the field. Yet while Sharon had begun to assume the mythical (and also dangerous) proportions of a de Gaulle or a Perón in the eyes of the Israeli public, Kadima is not just a one-man show. It's a product of what is called the "Big Bang" theory, the idea that a realignment of the Israeli political map through the creation of a large centrist party would, in cooperation with the left, be able to resolve the Israeli-Palestinian conflict in accordance with the wishes of a consistent majority of Israeli public opinion.

At 60, Olmert is one of the most experienced politicians from the middle generation. The former Jerusalem mayor and current finance minister lacks Sharon's security credentials and charisma, but if the seasoned pragmatic (and opportunistic) politicians from both right and left who joined the new party unite behind him, Kadima may still be the dominant party after the elections. Olmert was also one of the first Likud politicians to enter into a dialogue with PLO figures, and he understands the need for a resolution of the conflict.

On the right, Netanyahu has taken over Likud, but he's caught in a bind. If he moves toward the center, he'll lose the militant forces who opposed the Gaza disengagement. If he remains on the hawkish right, he'll lose the pragmatic majority, many of whom are suffering from his economic policies.

On the left, Peretz may build a successful social democratic alternative in the long run, but he is now perceived as too inexperienced on the national stage to be "the leader" and also as someone with a tendency to be a one-man show. He has tried to rearrange the traditional agenda by focusing on socioeconomic rather than security issues, in response to the declining economic situation of most middle- and working-class Israelis and the growing gap between rich and poor. However, Israeli voters continue to rank peace and security as their number-one concern, and they expect that to be the leader's top priority as well. If Peretz is a quick learner, there is hope for a revived Labor Party in the future.

One way to understand current Israeli politics is to recall the "Group of 8" circle that set out to revolutionize the Labor Party in the early 1980s. Its ideologue was Yossi Beilin, and its wheeler-dealer and presumed prime ministerial candidate was Chaim Ramon, the man behind the Big Bang theory and now a prominent member of Kadima. Its key Mizrahi player was... Amir Peretz. All three are committed to promoting the peace process as a key to Israel's future.

Of course, the outcome of the Palestinian elections, scheduled for January 25, will have a major impact on the Israeli scene. A victory for Hamas would strengthen Netanyahu's hand. Part of Sharon's legacy is that he did everything possible to undermine and destroy the institutional infrastructure of the Palestinian Authority, to prove that "there is no one to talk to" and that unilateral moves are the only alternative. This, together with corruption, chaos and generational clashes, was the backdrop for Hamas's achievements in the Palestinian municipal elections.

But that's another (part of the) story. HILLEL SCHENKER

Hillel Schenker is co-editor of the Palestine-Israel Journal.

CALVIN TRILLIN

A Member of Congress Tries to Recall Jack Abramoff

Uh, yeah, his restaurant was near.
I'd have a meal. I'd have a beer,
And shoot the breeze. I don't know why:
I really hardly knew the guy.

Well, yes, perhaps, I think I might
Have gone to see a game one night
With him, but I can testify
I really hardly knew the guy.

Oh, yeah, when campaign funds were low,
He'd hold events to raise some dough.
Though it's his box we'd occupy,
I really hardly knew the guy.

For golf in Scotland? Yeah, that's so.
When he arranged a trip, I'd go—
Just golfing. Nothing seemed awry.
I really hardly knew the guy.

Of course there was no quid pro quo!
Coincidence is what you'd show
If what he wanted got my aye.
I really hardly knew the guy.

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COMMENT

Palestinian Dilemmas

Even before Israeli Prime Minister Ariel Sharon was removed from the stage by his latest stroke, the prospect that Palestinian legislative elections would be conducted on January 25 as scheduled seemed increasingly bleak. This had little to do with Israeli threats to block voting in East Jerusalem if the Islamic Resistance Movement (Hamas) participates, or American and European threats to sever aid to the Palestinian Authority (PA) if Hamas is included in the next Cabinet. While the Palestinian political system's ability to function is deeply influenced by Israel, by virtue of the occupation and by the PA's political and economic dependence on foreign powers, the dynamics of Palestinian elections are primarily internal.

The coming elections for the Palestinian Legislative Council (PLC) are part of the broad reconfiguration of Palestinian politics necessitated by the death more than a year ago of Yasir Arafat. Because the legendary Palestinian leader over the years transformed this system into a reflection of his personality and tailored it to his methods of rule—meaning there was not much of a system and its operative principles were divide, co-opt and rule—Arafat's successors, lacking his stature as well as his acumen, were compelled to introduce structural changes to consolidate their position. Taking stock of Palestinian realities, they opted to legitimize their leadership, both domestically and internationally, through a process of elections, institutionalization and power-sharing.

While attention has been focused on President Mahmoud Abbas's efforts to integrate Hamas into the PA, the most significant developments have been within the dominant yet increasingly fragmented Palestinian National Liberation Movement (Fatah), precisely because its hegemony over Palestinian institutions means their fate continues to rest in its hands. Furthermore, the cooperation of Hamas, so vital to Abbas's attempts to achieve a cease-fire and resume negotiations with the United States and Israel, was never really in doubt; that of Fatah, without which power-sharing cannot succeed, was by contrast never certain.

The Islamists' calculations are relatively straightforward. Having experienced a surge in popular support during the latest intifada, and with Israel's unilateral evacuation of the Gaza Strip demonstrating their power as well as its limits, Hamas is keen to translate its success into institutional power. Recent municipal elections, in which the Islamists handily won control of most urban areas, including traditional Fatah bastions like Nablus, suggest that Hamas's current electoral appeal extends well beyond those who share its ideology and agenda. With a reputation for clean hands, effective service delivery and organizational discipline, it is emerging as the alternative of choice to a PA discredited by corruption, chaos and a failure to realize its agenda.

While few expect Hamas to emerge victorious in elections, the prospect of its doing well enough to sit around the Cabinet table has opened a rift of sorts within the Islamist movement. To one side are those who continue to advocate a strategy of gradual integration irrespective of the voters' verdict, meaning that in the next stage Hamas should operate as a parliamentary faction exercising effective veto power over a Fatah-dominated executive. To the other are those who maintain that Hamas's role in the PA should reflect the election result, including, if it performs well enough, a commensurate role in the executive and, some suggest, the security forces as well. While the gradualists have thus far retained the upper hand, the euphoria of victory, should it come to that, has a way of affecting internal balances of power.

If anything, Hamas's fear at this point is that it may do too well, and consequently will be forced to exchange the benefits of opposition for the burdens of responsibility and prematurely confront strategic issues like relations with Israel and the demobilization of its armed wing. The only certainty is that Hamas would not have embarked so decisively on the path of political integration if it was unprepared to accept—in substance if not as a matter of official policy—a two-state settlement of the Israeli-Palestinian conflict.

For Fatah, by contrast, the challenges are primarily internal. Even if the movement were to make a clean sweep of the elections, the Fatah Central Committee (FCC), which controls the levers of power within the Palestinian political system, would be the biggest loser; empowered and emboldened by a mandate from the people, the more ambitious members of Fatah's parliamentary faction, for whom the movement's imprisoned West Bank secretary general, Marwan Barghouti, has emerged as a focal point, will effectively create a situation of dual power within the movement. They will seek not only a transformation of the PA and its modus operandi—if need be in alliance with Hamas and independents—but, more important, they will also seek to convene the Fatah General Congress (FGC). The latter institution, which pursuant to the Fatah constitution must meet every five years to formulate organizational strategy and elect the FCC, has not met since 1989. Given the unprecedented levels of discontent with the current FCC, few if any of its members are expected to survive the next FGC session.

This is, in significant part, precisely Abbas's strategy: to have the electorate, Fatah rebels and Islamists remove his FCC rivals from power so he will not have to do the dirty work himself. Yet his passivity since assuming office has cost him dearly and threatens to overwhelm him as well as his strategy. Indeed, the growing chaos in the occupied territories, and particularly the Gaza Strip, reflects his strategic failure to confront competing Fatah power centers before elections and has produced the widespread conviction that Abbas is unable to implement the agenda he claims to uphold.

That the chaos increased markedly in November and December, preventing Fatah from conducting primaries, and has since surged to levels that may force a further postponement of PLC elections is not coincidental. Many detect the hidden hand of the FCC, acting in concert with militias claiming to represent the Al-Aqsa Martyrs' Brigades (affiliated with Fatah) to block elections that will diminish their power relative to others in Fatah, and that of Fatah relative to Hamas.

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COMMENT

The combination of sclerotic revolutionaries and young militants joining forces to keep middle-aged activists on the margins—itself a vast oversimplification—also puts paid to the idea that this is a generational struggle between an old and young guard. The present reality is one of systematic fragmentation, in which multiple power centers engaged in a constantly shifting pattern of opportunistic alliances and petty rivalries have taken Fatah to the brink of disintegration. For its part, Hamas has warned that if elections are further postponed it will fill the streets with mass demonstrations to impose democratization from below. Should it fail, it is likely to abort the cease-fire it has observed to a greater extent than others (including both Israel and Fatah).

In the larger scheme of things, the destruction of the Palestinian national movement has been one of Ariel Sharon's consistent strategic priorities since the early 1970s; indeed, no explanation of its current seeming implosion is complete without an account of his contribution. Yet whether Palestinians will be compelled to inherit the legacy of Sharon, reduced to fragmented communities behind concrete barriers and occupied by remote control, or eventually compel Israel to accept genuine self-determination for the Palestinian people will ultimately be determined by the Palestinians' success or failure at reconstituting their national movement as an effective and purposeful political force. The answer to this critical question is likely to be provided this year, and Palestinian elections—or not—form a central component of this dynamic. MOUIN RABBANI

Mouin Rabbani, based in Amman, Jordan, is senior Middle East analyst with the International Crisis Group.

In Fact . . .

FRANK WILKINSON: AMERICAN HERO

■ Gara LaMarche, director of US programs for the Open Society Institute, writes: The journey of Frank Wilkinson, who died at 91 on January 2 at his home in Los Angeles, is a great American story. Born into a comfortable Republican family, Frank headed Youth for Hoover at Beverly Hills High School, but a trip to the Middle East after graduation from UCLA opened his eyes to dire poverty. Back in LA, Frank abandoned plans for the Methodist ministry and went to work for the Housing Authority, living with his family in one of the integrated projects he helped establish. In the 1940s, however, many viewed public housing as a socialist scheme, and Frank soon found himself hauled before investigating committees and questioned about his political beliefs and affiliations. When he refused to answer, Frank was fired and could only find work as a night janitor at a department store. In 1961 the Supreme Court narrowly rejected a First Amendment challenge by Frank and his co-defendant, Carl Braden, to the House Un-American Activities Committee's witch hunts, and they spent nine months in federal prison. Once out, Frank devoted himself full time to civil liberties campaigning. Along the way, he sued the FBI, which compiled a file of 132,000 pages on him, documenting efforts to harass him and disrupt his speeches. Frank Wilkinson was around long enough to cycle from pariah status to knowing that the world had changed enough to see him as what he was: an American hero. But the surveillance state he opposed, is back if indeed it ever went away. Frank's death in this season of headlines about illegal domestic spying reminds us of the history we thought we'd overcome and provides an enduring example of the courage we must find to renew the fight.

OUR ABRAMOFF CONFESSION

■ Lobbyist Jack Abramoff's plea bargain agreement with the Feds revealed that in 2000 he and his firm were paid by the Magazine Publishers of America to lobby against the pending postal rate increase. In the spirit of full disclosure, transparency and all the rest, we hereby disclose our conflict of interest—as members in good standing of MPA we, too, were against the postal rate increase (although we believed that as a general proposition, MPA represents the interests of its largest and most profitable members, rather than small-circulation journals of opinion like us). Nevertheless, we feel called upon to make it crystal clear that, like members of Congress and others with whom he did business, we never met the guy, or received money from his foundation or sat in his sky box or ate free at Signatures. Nor did we as a quid pro quo for all those non-gifts ever publish a favorable article about Abramoff. We never benefited one bit from our dealings with him, which we didn't have anyway. Who knows, though—if we had had a few extra millions to buy Abramoff's time, independent journals might have received the postal rate decreases they deserved.

LETTERMAN HARDBALL

■ David Letterman is not known for tough, probing interviews on his late-night television show. Being funny and asking a sultry actress about her next picture is his usual shtick. But when Bill O'Reilly showed up, Dave began applying the needle, and by the time he finished his guest was tattooed. First, he scoffed at O'Reilly's one-man campaign against alleged Christmas disparagers, then it was on to the Iraq War, Cindy Sheehan's bona fides and other important matters. He summed up with, "I have the feeling about 60 percent of what you say is crap." As a result, the show turned out to be an informative use of Entertainment State airtime. Didn't ABC once try to sign up Letterman as a replacement for Ted Koppel? Maybe that wasn't such a farfetched idea after all.

VITAL STATISTIC

■ It's a new issue—Ivan Joseph—for *Nation* contributing editors Liza Featherstone (she writes on labor—the Wal-Mart variety) and Doug Henwood (he writes on the view from the left on business and finance).

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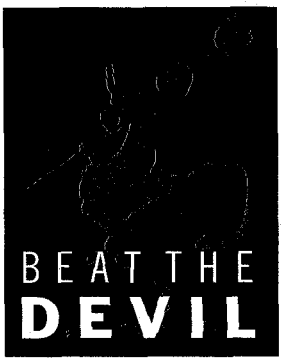
ALEXANDER COCKBURN

The FBI and Edward Said



The FBI was probably tapping Edward Said's phone right up to the day he died in September 2003. A year earlier, when he was already a very sick man, Said was scheduled to speak at an event at the Kopkind Colony's summer session near Guilford, Vermont. The morning of Friday, August 2, the day Said was due to arrive, the colony's John Scagliotti picked up the phone at the colony's old farmhouse and found it was dead. He went to a neighbor to report the fault.

"Within half an hour," Scagliotti remembers, "there was a knock at the front door, and there was a man who said, 'I hear you have phone problems.' Now, I am a gay man. I know what a phone service repairman is meant to look like. The phone man is a gay icon. Tool belt, jeans, work shirt, work boots. This man has a madras shirt, Dockers, brown loafers. He goes to an outside junction box, and a few minutes later the phone is working. Off he goes."

A month later, in the course of a complaint to the phone company about an unusually high bill, Scagliotti suggests that the trouble may have stemmed from something the repairman did. After further checking, the phone company tells him they never sent a repairman that day.

As it happened, shortly thereafter Said's assistant called in to say he was too sick to make the five-hour drive from New York. But had he done so, we can opine with near certainty that the FBI would have been ready to monitor whatever calls he may have placed from rural Vermont. The reason for the near certainty is that we now know that the bureau began spying on Said more than thirty years earlier.

David Price is a professor of anthropology at St. Martin's University in Washington State. As anyone glancing through his excellent book *Threatening Anthropology: McCarthyism and the FBI's Surveillance of Activist Anthropologists* will know, Price is expert at getting secret government documents through the Freedom of Information Act. Last year, on behalf of the newsletter *CounterPunch* (which I co-edit), Price requested the FBI's file on Said.

The FBI released to Price 147 pages of Said's 238-page FBI file. Large sections of the file remain blacked out, with stamps indicating they remain Classified Secret until 2030, twenty-five years after their initial FOIA processing. Most of the file, Price tells us, documents FBI surveillance of Said's legal, public work with American-based Palestinian political or pro-Arab organizations, while other portions of the file document the FBI's ongoing investigations of his contacts with other Palestinian-Americans.

The FBI's first record of Edward Said appears in a February 1971 domestic security investigation of another (unidentified) person. The FBI collected photographs of Said from the State Department's passport division and various news agencies. Said's "International Security" FBI file was established when an informant gave the FBI a program from the October 1971 Boston Convention of the Arab-American University Graduates, where Said chaired a panel on "Culture and the Critical Spirit."

In the months after the Black September attack at the 1972 Munich Olympics, there was a flurry of FBI interest in Said and other Palestinian-Americans. In early October 1972, the New York FBI office investigated Said's background and citizenship information as well as voting, banking and credit records. Employees at Princeton and Columbia universities secretly—and shamefully—gave FBI agents biographical and educational information on Said, and the Harvard University alumni office provided the FBI with detailed information.

Some will say that since he was a politically active Palestinian, and also a member (before he broke with Arafat) of the Palestinian National Council, Said was a legitimate object of concern for the FBI, and the bureau would have been remiss not to have kept an eye on him. But labeling Said as a friend of Arafat misses the point that the FBI's surveillance of this US citizen found absolutely no evidence that he broke any laws—not even jaywalking or taping songs from the radio. As Price says, "FBI action needs to be based on demonstrable wrongdoing, not thought crimes or having unpopular friends. The American right perhaps understands this better than the left, and given the anti-Bush flutter I'm hearing on talk radio, they seem to understand the threat to democracy represented in unfettered surveillance expeditions."

Another way of viewing the FBI's surveillance of Said is in the context of its surveillance and harassment of other prominent activists, people like Martin Luther King Jr., who advocated lawful democratic solutions to problems of social justice. Price: "Had the federal government chosen to support rather than harass and monitor activists willing to work within extant systems, like Said and King, they could have precluded the coming of more radical and violent efforts. In effect, the FBI's surveillance and harassment of Said creates the conditions for the development of more violent efforts to resolve the Palestinian problem. If you spy on and block those advocating reason, you are aiding and abetting those who will follow with violence."

Because the FBI has yet to release the whole Said file, says Price, "we don't know what they are withholding, but I wonder if it doesn't show the sort of illegal wiretapping and surveillance we now know President Bush has illegally charged the NSA to conduct on an unknown number of Americans. The FBI's unusual step in reclassifying these files for another quarter-century raises the very real possibility that they did this to hide just what steps they were taking to spy on Said. I'll challenge this in an in-house review and my lawyer is gearing up for a suit in federal court to get a judge to look and see if the FBI was illegally spying on an American who was breaking no laws."

Price's full assessment of the FBI's secret file can be read in *CounterPunch* (for a copy, call 800-840-3683) and will shortly be available at www.counterpunch.org/pricesaid.html. ■

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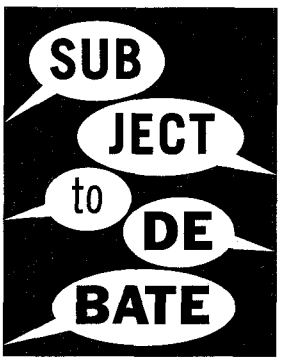
KATHA POLLITT

Girls Against Boys?



I went to Radcliffe, the women's wing of Harvard, at a time when the combined undergraduate student body was fixed at four male students for every female one. I don't remember anyone worrying about the boys' social lives, or whether they would find anyone to marry—even though nationally, too, boys were more likely to go to college and to graduate than girls. When in 1975 President Derek Bok instituted equal-access admissions, nobody said, "Great idea, more marital choice for educated men!"

What a difference a few decades and a gender revolution make. Now, although both sexes are much more likely to go to college than forty years ago—the proportion of the population enrolled in college is 20 percentage points higher today than in 1960—girls have edged ahead of boys. Today, women make up 57 percent of undergraduates, and the gap is projected to reach 60/40 in the next few years. This year, even manly Harvard admitted more girls than boys to its freshman class. So of course the big question is, Who will all those educated women marry? "Advocates for women have been so effective politically that high schools and colleges are still focusing on supposed discrimination against women," writes John Tierney in a recent *New York Times* column. "You could think of this as a victory for women's rights, but many of the victors will end up celebrating alone." If the ladies end up cuddling with their diplomas, they have only themselves—and those misguided "advocates for women"—to blame. Take that, you hyper-educated spinster, you.

The conservative spin on the education gender gap is that feminism has ruined school for boys. "Why would any self-respecting boy want to attend one of America's increasingly feminized universities?" asks George Gilder in *National Review*. "Most of these institutions have flounced through the last forty years fashioning a fluffy pink playpen of feminist studies and agitprop 'herstory,' taught amid a green goo of eco-motherism and anti-industrial phobia." Sounds like fun, but it doesn't sound much like West Texas A&M, Baylor, Loyola or the University of Alabama, where female students outnumber males in about the same proportion as they do at trendy Berkeley and Brown. Even Hillsdale College, the conservative academic mecca that became famous for rejecting federal funds rather than comply with government regulations against sex discrimination, has a student body that is 51 percent female. Other pundits—Michael Gurian, Kate O'Beirne, Christina Hoff Sommers—blame the culture of elementary school and high school: too many female teachers, too much sitting quietly, not enough sports and a feminist-friendly curriculum that forces boys to read—oh no!—books by women. Worse—books *about* women.

For the record, in middle school my daughter was assigned exactly one book by a woman: Zora Neale Hurston's *Their Eyes Were Watching God*. In high school she read three, *Mrs. Dalloway*, *Beloved* and *Uncle Tom's Cabin*, while required reading included male authors from Shakespeare and Fitzgerald and Sophocles to (I kid you not) James Michener and Robert Adams, author of *Watership Down*. Four books in seven years: Is that what we're arguing about here? Furthermore, I don't know where those pundits went to school, but education has always involved a lot of sitting, a lot of organizing, a lot of deadlines and a lot of work you didn't necessarily feel like doing. It's always been heavily verbal—in fact, today's textbooks are unbelievably dumbed down and visually hyped compared with fifty years ago. Conservatives talk as if boys should be taught in some kind of cross between boot camp and Treasure Island—but what kind of preparation for modern life would that be? As for the decline of gym and teams and band—activities that keep academically struggling kids, especially boys, coming to school—whose idea was it to cut those "frills" in the first place if not conservatives?

If the mating game worked fine when women were ignorant and helpless and breaks down when they smarten up, that certainly tells us something about marriage. But does today's dating scene really consist of women who love Woolf and men who love Grand Theft Auto? College may not create the intellectual divide elite pundits think it does. (Just spend some time looking at student life as revealed at www.facebook.com if you really want to get depressed about American universities.) For most students, it's more like trade school—they go to get credentials for employment and, because of the sexist nature of the labor market, women need those credentials more than men. Believe it or not, there are still stereotypically male jobs that pay well and don't require college degrees—plumbing, cabinetry, electrical work, computer repair, refrigeration, trucking, mining, restaurant cuisine. My daughter had two male school friends, good students from academically oriented families, who chose cooking school over college. Moreover, as I'll discuss in my next column, sex discrimination in employment is alive and well: Maybe boys focus less on school because they think they'll come out ahead anyway. What solid, stable jobs with a future are there for women without at least some higher ed? Heather Boushey, an economist with the Center for Economic Policy and Research, noted that women students take out more loans than their male classmates, even though a BA does less to increase their income. The sacrifice would make sense, though, if the BA made the crucial difference between respectable security and a lifetime as a waitress or a file clerk.

This is not to say that boys make the right choice when they blow off school, or even that it always is a choice. People's ideas about life often lag behind reality—some boys haven't gotten the message about the decline of high-paying blue-collar work, or the unlikeliness of rap or sports stardom, the way some girls haven't gotten the message that it is foolish, just really incredibly stupid, to rely on being supported by a man. Most of them, however, have read the memo about having, if not a career exactly, career skills. Their mothers, so many of them divorced and struggling, made sure of that. As for the boys, maybe they will just have to learn to learn in a room full of smart females. ■

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ARTICLES

THE IMPEACHMENT OF GEORGE W. BUSH

by ELIZABETH HOLTZMAN

FORMER MEMBER, HOUSE JUDICIARY COMMITTEE, NIXON IMPEACHMENT PROCEEDINGS, 1973–74

Finally, it has started. People have begun to speak of impeaching President George W. Bush—not in hushed whispers but openly, in newspapers, on the Internet, in ordinary conversations and even in Congress. As a former member of Congress who sat on the House Judiciary Committee during the impeachment proceedings against President Richard Nixon, I believe they are right to do so.

I can still remember the sinking feeling in the pit of my stomach during those proceedings, when it became clear that the President had so systematically abused the powers of the presidency and so threatened the rule of law that he had to be removed from office. As a Democrat who opposed many of President Nixon's policies, I still found voting for his impeachment to be one of the most sobering and unpleasant tasks I ever had to undertake. None of the members of the committee took pleasure in voting for impeachment; after all, Democrat or Republican, Nixon was still our President.

At the time, I hoped that our committee's work would send a strong signal to future Presidents that they had to obey the rule of law. I was wrong.

Like many others, I have been deeply troubled by Bush's breathtaking scorn for our international treaty obligations under the United Nations Charter and the Geneva Conventions. I have also been disturbed by the torture scandals and the violations of US criminal laws at the highest levels of our government they may entail, something I have written about in these pages [see Holtzman, "Torture and Accountability," July 18/25, 2005]. These concerns have been compounded by growing evidence that the President deliberately misled the country into the war in Iraq. But it wasn't until the most recent revelations that President Bush directed the wiretapping of hundreds, possibly thousands, of Americans, in violation of the Foreign Intelligence Surveillance Act (FISA)—and argued that, as Commander in Chief, he had the right in the interests of national security to override our country's laws—that I felt the same sinking feeling in my stomach as I did during Watergate.

As a matter of constitutional law, these and other misdeeds constitute grounds for the impeachment of President Bush. A President, any President, who maintains that he is above the law—and repeatedly violates the law—thereby commits high crimes and misdemeanors, the constitutional standard for impeachment and removal from office. A high crime or misdemeanor is an archaic term that means a serious abuse of power, whether or not it is also a crime, that endangers our constitutional system of government.

The framers of our Constitution feared executive power run amok and provided the remedy of impeachment to protect against it. While impeachment is a last resort, and must never be lightly undertaken (a principle ignored during the proceedings against President Bill Clinton), neither can Congress shirk its responsibility to use that tool to safeguard our democracy. No President can be permitted to commit high crimes and misdemeanors with impunity.

But impeachment and removal from office will not happen

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unless the American people are convinced of its necessity after a full and fair inquiry into the facts and law is conducted. That inquiry must commence now.

Warrantless Wiretaps

On December 17 President Bush acknowledged that he repeatedly authorized wiretaps, without obtaining a warrant, of American citizens engaged in international calls. On the face of it, these warrantless wiretaps violate FISA, which requires court approval for national security wiretaps and sets up a special procedure for obtaining it. Violation of the law is a felony.

While many facts about these wiretaps are unknown, it now appears that thousands of calls were monitored and that the information obtained may have been widely circulated among federal agencies. It also appears that a number of government officials considered the warrantless wiretaps of dubious legality. Reportedly, several people in the National Security Agency refused to participate in them, and a deputy attorney general even declined to sign off on some aspects of these wiretaps. The special FISA court has raised concerns as well, and a judge on that court has resigned, apparently in protest.

FISA was enacted in 1978, against the backdrop of Watergate, to prevent the widespread abuses in domestic surveillance that were disclosed in Congressional hearings. Among his other abuses of power, President Nixon ordered the FBI to conduct warrantless wiretaps of seventeen journalists and White House staffers. Although Nixon claimed the wiretaps were done for national security purposes, they were undertaken for political purposes and were illegal. Just as Bush's warrantless wiretaps grew out of the 9/11 attacks, Nixon's illegal wiretaps grew out of the Vietnam War and the opposition to it. In fact, the first illegal Nixon wiretap was of a reporter who, in 1969, revealed the secret bombing of Cambodia, a program that President Nixon wanted to hide from the American people and Congress. Nixon's illegal wiretaps formed one of the many grounds for the articles of impeachment voted against him by a bipartisan majority of the House Judiciary Committee.

Congress explicitly intended FISA to strike a balance between the legitimate requirements of national security on the one hand and the need both to protect against presidential abuses and to safeguard personal privacy on the other. From Watergate, Congress knew that a President was fully capable of wiretapping under a false claim of national security. That is why the law requires court review of national security wiretaps. Congress understood that because of the huge invasion of privacy involved in wiretaps, there should be checks in place on the executive branch to protect against overzealous and unnecessary wiretapping. At the same time, Congress created special procedures to facilitate obtaining these warrants when justified. Congress also recognized the need for emergency action: The President was given the power to start a wiretap without a warrant as long as court permission was obtained within three days.

Elizabeth Holtzman, an attorney, served four terms in Congress, where she played a key role in House impeachment proceedings against President Richard Nixon.

FISA can scarcely be claimed to create any obstacle to justified national security wiretaps. Since 1978, when the law was enacted, more than 10,000 national security warrants have been approved by the FISA court; only four have been turned down.

Two legal arguments have been offered for the President's right to violate the law, both of which have been seriously questioned by members of Congress of both parties and by the nonpartisan Congressional Research Service in a recent analysis. The first—highly dangerous in its sweep and implications—is that the President has the constitutional right as Commander in Chief to break any US law on the grounds of national security. As the CRS analysis points out, the Supreme Court has never upheld the President's right to do this in the area of wiretapping, nor has it ever granted the President a "monopoly over war-powers" or recognized him as "Commander in Chief of the country" as opposed to Commander in Chief of the Army and Navy. If the President is permitted to break the law on wiretapping on his own say-so, then a President can break any other law on his own say-so—a formula for dictatorship. This is not a theoretical danger: President Bush has recently claimed the right as Commander in Chief to violate the McCain amendment banning torture and degrading treatment of detainees. Nor is the requirement that national security be at stake any safeguard. We saw in Watergate how President Nixon falsely and cynically used that argument to cover up ordinary crimes and political misdeeds.

Ours is a government of limited power. We learn in elementary school the concept of checks and balances. Those checks do not vanish in wartime; the President's role as Commander in Chief does not swallow up Congress's powers or the Bill of Rights. Given the framers' skepticism about executive power and warmaking—there was no functional standing army at the beginning of the nation, so the President's powers as Commander in Chief depended on Congress's willingness to create and expand an army—it is impossible to find in the Constitution unilateral presidential authority to act against US citizens in a way that violates US laws, even in wartime. As Justice Sandra Day O'Connor recently wrote, "A state of war is not a blank check for the President when it comes to the rights of the nation's citizens."

The second legal argument in defense of Bush's warrantless wiretaps rests on an erroneous statutory interpretation. According to this argument, Congress authorized the Administration to place wiretaps without court approval when it adopted the 2001 resolution authorizing military force against the Taliban and Al Qaeda for the 9/11 attacks. In the first place, the force resolution doesn't mention wiretaps. And given that Congress has traditionally placed so many restrictions on wiretapping because of its extremely intrusive qualities, there would undoubtedly have been vigorous debate if anyone thought the force resolution would roll back FISA. In fact, the legislative history of the force resolution shows that Congress had no intention of broadening the scope of presidential warmaking powers to cover activity in the United States. According to Senator Tom Daschle, the former Senate majority leader who negotiated the resolution with the White House, the Administration wanted to include language explicitly enlarging the President's warmaking powers to include domestic activity. That language was rejected. Obviously, if the Administration

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felt it already had the power, it would not have tried to insert the language into the resolution.

What then was the reason for avoiding the FISA court? President Bush suggested that there was no time to get the warrants. But this cannot be true, because FISA permits wiretaps without warrants in emergencies as long as court approval is obtained within three days. Moreover, there is evidence that the President knew the warrantless wiretapping was illegal. In 2004, when the violations had been going on for some time, President Bush told a Buffalo, New York, audience that "a wiretap requires a court order." He went on to say that "when we're talking about chasing down terrorists, we're talking about getting a court order before we do so."

Indeed, the claim that to protect Americans the President needs to be able to avoid court review of his wiretap applications rings hollow. It is unclear why or in what way the existing law, requiring court approval, is not satisfactory. And, if the law is too cumbersome or inapplicable to modern technology, then it is unclear why the President did not seek to revise it instead of disregarding it and thus jeopardizing many otherwise legitimate anti-terrorism prosecutions. His defenders' claim that changing the law would have given away secrets is unacceptable. There are procedures for considering classified information in Congress. Since no good reason has been given for avoiding the FISA court, it is reasonable to suspect that the real reason may have been that the wiretaps, like those President Nixon ordered in Watergate, involved journalists or anti-Bush activists or were improper in other ways and would not have been approved.

It is also curious that President Bush seems so concerned with the imaginary dangers to Americans posed by US courts but remains so apparently unconcerned about fixing some of the real holes in our security. For example, FBI computers—which were unable to search two words at once, like "flight schools," a defect that impaired the Bureau's ability to identify the 9/11 attackers beforehand—still haven't been brought into the twenty-first century. Given Vice President Cheney's longstanding ambition to throw off the constraints on executive power imposed in response to Watergate and the Vietnam War, it may well be that the warrantless wiretap program has had much more to do with restoring the trappings of the Nixon imperial presidency than it ever had to do with protecting national security.

Subverting Our Democracy

A President can commit no more serious crime against our democracy than lying to Congress and the American people to get them to support a military action or war. It is not just that it is cowardly and abhorrent to trick others into giving their lives for a nonexistent threat, or even that making false statements might in some circumstances be a crime. It is that the decision to go to war is the gravest decision a nation can make, and in a democracy the people and their elected representatives, when there is no imminent attack on the United States to repel, have the right to make it. Given that the consequences can be death for hundreds, thousands or tens of thousands of people—as well as the diversion of vast sums of money to the war effort—the fraud cannot be tolerated. That both Lyndon Johnson and Richard Nixon were guilty of misleading the nation into military action and neither was impeached for it makes it more, not less, important to hold Bush accountable.

Once it was clear that no weapons of mass destruction would be found in Iraq, President Bush tried to blame "bad intelligence" for the decision to go to war, apparently to show that the WMD claim was not a deliberate deception. But bad intelligence had little or nothing to do with the main arguments used to win popular support for the invasion of Iraq.

First, there was no serious intelligence—good or bad—to support the Administration's suggestion that Saddam Hussein and Al Qaeda were in cahoots. Nonetheless, the Administration repeatedly tried to claim the connection to show that the invasion was a justified response to 9/11 (like the declaration of war against Japan for Pearl Harbor). The claim was a sheer fabrication.

Second, there was no reliable intelligence to support the Administration's claim that Saddam was about to acquire nuclear weapons capability. The specter of the "mushroom cloud," which frightened many Americans into believing that the invasion of Iraq was necessary for our self-defense, was made up out of whole cloth. As for the biological and chemical weapons, even if, as reported, the CIA director told the President that these existed in Iraq, the Administration still had plenty of information suggesting the contrary.

The deliberateness of the deception has also been confirmed by a British source: the Downing Street memo, the official record of Prime Minister Tony Blair's July 2002 meeting with his top Cabinet officials. At the meeting the chief of British intelligence, who had just returned from the United States, reported that "Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy." In other words, the Bush Administration was reported to be in the process of cooking up fake intelligence and facts to justify going to war in Iraq.

During the Nixon impeachment proceedings, I drafted the resolution of impeachment to hold President Nixon accountable for concealing from Congress the bombing of Cambodia he initiated. But the committee did not approve it, probably because it might appear political—in other words, stemming from opposition to the war instead of to the President's abuse of his warmaking powers.

With respect to President Bush and the Iraq War, there is not likely to be any such confusion. Most Americans know that his rationale for the war turned out to be untrue; for them the question is whether the President lied, and if so, what the remedies are for his misconduct.

The Failure to Take Care

Upon assuming the presidency, Bush took an oath of office in which he swore to take care that the laws would be faithfully executed. Impeachment cannot be used to remove a President for maladministration, as the debates on ratifying the Constitution show. But President Bush has been guilty of such gross incompetence or reckless indifference to his obligation to execute the laws faithfully as to call into question whether he takes his oath seriously or is capable of doing so.

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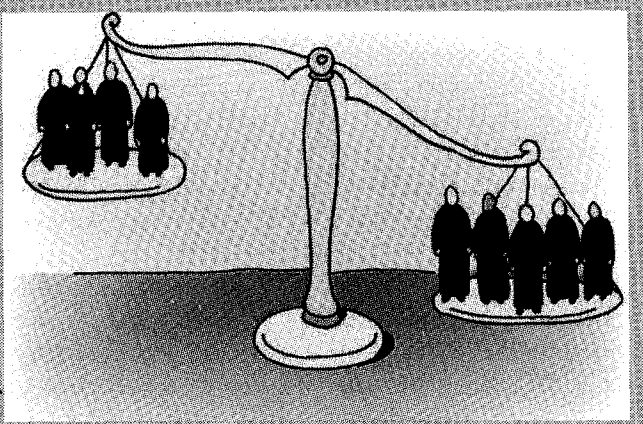

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The most egregious example is the conduct of the war in Iraq. Unconscionably and unaccountably, the Administration failed to provide US soldiers with bulletproof vests or appropriately armored vehicles. A recent Pentagon study disclosed that proper bulletproof vests would have saved hundreds of lives. Why wasn't the commencement of hostilities postponed until the troops were properly outfitted? There are numerous suggestions that the timing was prompted by political, not military, concerns. The United States was under no imminent threat of attack by Saddam Hussein, and the Administration knew it. They delayed the marketing of the war until Americans finished their summer vacations because "you don't introduce new products in August." As the Downing Street memo revealed, the timeline for the war was set to start thirty days before the 2002 Congressional elections.

And there was no serious plan for the aftermath of the war, a fact also noted in the Downing Street memo. The President's failure as Commander in Chief to protect the troops by arming them properly, and his failure to plan for the occupation, cost dearly in lives and taxpayer dollars. This was not mere negligence or oversight—in other words, maladministration—but reflected a reckless and grotesque disregard for the welfare of the troops and an utter indifference to the need for proper governance of a country after occupation. As such, these failures violated the requirements of the President's oath of office. If they are proven to be the product of political objectives, they could constitute impeachable offenses on those grounds alone.

Torture and Other Abuses of Power

President Bush recently proclaimed, "We do not torture." In view of the revelations of the CIA's secret jails and practice of rendition, not to mention the Abu Ghraib scandal, the statement borders on the absurd, recalling Nixon's famous claim, "I am not a crook." It has been well documented that abuse (including torture) of detainees by US personnel in connection with the wars in Afghanistan and Iraq has been systemic and widespread. Under the War Crimes Act of 1996 it is a crime for any US national to order or engage in the murder, torture or inhuman treatment of a detainee. (When a detainee death results, the act imposes the death penalty.) In addition, anyone in the chain of command who condones the abuse rather than stopping it could also be in violation of the act. The act simply implements the Geneva Conventions, which are the law of the land.

The evidence before us now suggests that the President himself may have authorized detainee abuse. In January 2002, after the Afghanistan war had begun, White House Counsel Alberto Gonzales advised President Bush in writing that US mistreatment of detainees might be criminally prosecutable under the War Crimes Act. Rather than order the possibly criminal behavior to stop, which under the Geneva Conventions and the War Crimes Act the President was obligated to do, Bush authorized an "opt-out" of the Geneva Conventions to try to shield the Americans who were abusing detainees from prosecution. In other words, the President's response to reports of detainee abuse was to prevent prosecution of the abusers, thereby implicitly condoning the abuse and authorizing its continuation. If torture or inhuman treatment of prisoners took place as a result of the President's conduct, then he himself may have violated the War Crimes Act, along with those who actually inflicted the abuse.

There are many other indications that the President has knowingly condoned detainee abuse. For example, he never removed Defense Secretary Rumsfeld from office or disciplined him, even though Rumsfeld accepted responsibility for the abuse scandal at Abu Ghraib, admitted hiding a detainee from the Red Cross—a violation of the Geneva Conventions and possibly the War Crimes Act, if the detainee was being abused—and issued orders (later withdrawn) for Guantánamo interrogations that violated the Geneva Conventions and possibly the War Crimes Act.

More recently, the President opposed the McCain Amendment barring torture when it was first proposed, and he tacitly supported Vice President Cheney's efforts to get language into the bill that would allow the CIA to torture or degrade detainees. Now, in his signing statement, the President announced that he has the right to violate the new law, claiming once again the right as Commander in Chief to break laws when it suits him.

Furthermore, despite the horrors of the Abu Ghraib scandal, no higher-ups have been held accountable. Only one officer of any significant rank has been punished. It is as though the Watergate inquiry stopped with the burglars, as the Nixon cover-up tried and failed to accomplish. President Bush has made no serious effort to insure that the full scope of the scandal is uncovered or to hold any higher-ups responsible, perhaps because responsibility goes right to the White House.

It is imperative that a full investigation be undertaken of Bush's role in the systemic torture and abuse of detainees. Violating his oath of office, the Geneva Conventions and the War Crimes Act would constitute impeachable offenses.

Next Steps

Mobilizing the nation and Congress in support of investigations and the impeachment of President Bush is a critical task that has already begun, but it must intensify and grow. The American people stopped the Vietnam War—against the wishes of the President—and forced a reluctant Congress to act on the impeachment of President Nixon. And they can do the same with President Bush. The task has three elements: building public and Congressional support, getting Congress to undertake investigations into various aspects of presidential misconduct and changing the party makeup of Congress in the 2006 elections.

Drumming up public support means organizing rallies, spearheading letter-writing campaigns to newspapers, organizing petition drives, door-knocking in neighborhoods, handing out leaflets and deploying the full range of mobilizing tactics. Organizations like AfterDowningStreet.org and ImpeachPac.org, actively working on a campaign for impeachment, are able to draw on a remarkably solid base of public support. A Zogby poll taken in November—before the wiretap scandal—showed more than 50 percent of those questioned favored impeachment of President Bush if he lied about the war in Iraq.

An energized public must in turn bear down on Congress. Constituents should request meetings with their Senators and Representatives to educate them on impeachment. They can also make their case through e-mail, letters and phone calls.

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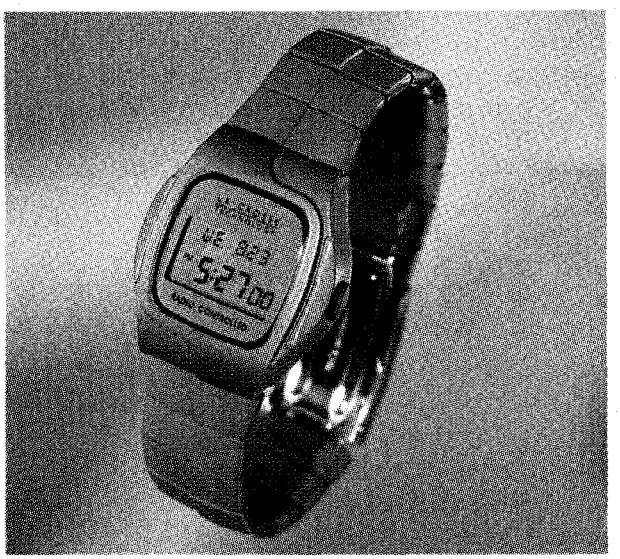

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Representatives and Senators should be asked specifically to support hearings on and investigations into the deceptions that led to the Iraq War and President Bush's role in the torture scandals. Senators should also be asked to insure that the hearings already planned by the Senate Judiciary Committee into warrantless wiretaps are comprehensive. The hearings should evaluate whether the wiretaps were genuinely used for national security purposes and why the President chose to violate the law when it was so easy to comply with it. Representatives should specifically be asked to co-sponsor Congressman John Conyers's resolution calling for a full inquiry into presidential abuses.

Finally, if this pressure fails to produce results, attention must be focused on changing the political composition of the House and Senate in the upcoming 2006 elections. If a Republican Congress is unwilling to investigate and take appropriate action against a Republican President, then a Democratic Congress should replace it.

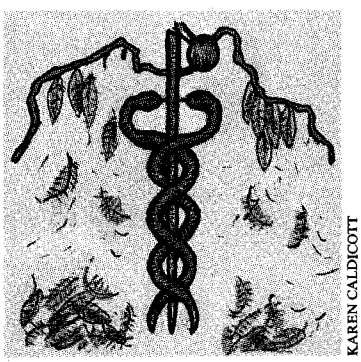
As awful as Watergate was, after the vote on impeachment and the resignation of President Nixon, the nation felt a huge sense of relief. Impeachment is a tortuous process, but now that President Bush has thrown down the gauntlet and virtually dared Congress to stop him from violating the law, nothing less is necessary to protect our constitutional system and preserve our democracy. ■

WILL THE NEW DRUG BENEFIT HASTEN THE MURDER OF MEDICARE?

Part D From Outer Space

TRUDY LIEBERMAN

Despite the best efforts of the Bush Administration's public relations machine, Americans made it clear last year that they were in no mood to privatize Social Security. But the Administration had already won a quieter victory with an equally successful social insurance program, Medicare. Part D, the new prescription drug benefit that took effect January 1, looks like the first step on the way to destroying Medicare as a benefit for all senior Americans.



KAREN CALDICOTT

It's too early to tell whether Medicare Part D will be a flop like its predecessor, a drug discount card program that attracted only 15 percent of eligible seniors. But it may well be. So far only about 1 million have voluntarily signed up—fewer than 5 percent of the 21 million eligible seniors, most of whom have been without prescription coverage. At a carefully scripted press conference just before Christmas, Health and Human Services Secretary Michael Leavitt put a positive spin on the numbers, noting that another 21 million seniors were receiving coverage. But most of those enrollees were low-income people the government automatically enrolled, or those already receiving drug benefits elsewhere. The new plan is not yet reaching most of the people it's designed to help.

Unlike other Medicare benefits, Part D is modeled on the country's dysfunctional commercial health insurance system. With Medicare Parts A and B, which cover hospital services and doctor visits, the government pays providers directly. Under Part D, the government pays some 260 private insurers—including pharmacy benefit managers, HMOs and pharmacies—to provide the coverage. If seniors want the benefit, they must buy it from one of those private carriers. To force them to sign up, Congress imposed a financial penalty (growing more onerous over time) for those who don't get on board by May 15.

Trudy Lieberman writes about healthcare for The Nation.

Medicare Part D represents the free market run amok. "You don't have to understand every detail and every option," Medicare administrator Dr. Mark McClellan told the *Los Angeles Times*. "People just need to focus on what they want." Easier said than done. In some counties, seniors have forty or fifty choices of plans—a jumble of insurance options with monthly premiums ranging from zero to more than $60. The government has allowed sellers to mold Part D coverage into hundreds of combinations of deductibles; co-insurance (a percentage of the drug cost consumers pay); drug utilization techniques (such as trying cheaper generic drugs first); and drug tiers, with their own dizzying array of co-payments (the flat amount consumers pay for each drug). Co-payments differ depending on whether people buy generics, preferred brand drugs, non–preferred brand drugs or specialty drugs—and depending on whether they buy from an in-network pharmacy where the insurer has negotiated good discounts or from an out-of-network pharmacy where it hasn't. Adding to the confusion is the fact that there's no standard nomenclature; sellers can use any fanciful name they think will lure buyers to their plan. They can also cover whatever drugs they want to; prescription formularies are not standardized either.

And what happens when seniors are understandably flummoxed by the overabundance of options? They're sent to a complicated web tool for answers—even though, according to one survey, three-quarters of seniors say they have never gone online.

This teeming marketplace, with its myriad sellers all offering their own versions of Part D, was no accident. The push for private market benefits began in earnest nearly a decade ago, when the right-wing Heritage Foundation proposed a bipartisan commission to look at "reforming" Medicare. In 1997 Heritage

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got its commission, chaired by then–Louisiana Senator John Breaux. A moderate, business-friendly Democrat, Breaux pushed a plan that would have given beneficiaries a set amount of money to buy health coverage in the private market. In the end it didn't fly. But in late 2003 moderate Democrats and Congressional Republicans, led by then–House majority leader Tom DeLay and Senator Breaux, saw their chance to move toward a privatized Medicare. Public outcry over escalating drug prices had caught the attention of Congress, and a drug benefit desperately needed by many seniors became the justification to pass legislation that took a big step toward privatization.

Think of Part D as Version 2.0 on the way to a Medicare system that relies completely on the private market. (The discount cards introduced in 2004, also provided by private insurers, were Version 1.0.) Congress appropriated $400 billion to finance Part D, a number that Richard Foster, chief actuary at the Centers for Medicare and Medicaid Services, later said was much too low. According to several news reports, Bush Administration officials prevented the agency from disclosing the real cost, then estimated at $550 billion, according to Foster.

While seniors are confronted with an overwhelming number of choices, insurers are benefiting from a massive Congressional giveaway. Insurers got generous payments to offer the coverage. And when the inevitable shakeout occurs among the 260 sellers, a cluster of mega-carriers like Aetna, WellPoint, UnitedHealthcare and CIGNA will reap the most from the Congressional largesse.

The size of these big insurers' marketing and operations budgets for Part D shows how important the new Medicare is to them. UnitedHealth Group is spending $75 million, Aetna $50 million and CIGNA $40 million. Humana, a large regional carrier looking to switch seniors to the company's other products, is spending $80 million. Steve Brueckner, Humana's vice president of senior products, says that Part D offers "an unprecedented opportunity to establish relationships."

Indeed it does. Drug companies are also eyeing new customers, especially among enrollees who could not in the past pay for drugs. They, too, are designing marketing strategies around Part D. Bob Dole, former senator turned Viagra pitchman, is selling the benefit on behalf of Pfizer. AstraZeneca is funneling $10 million to the National Council on the Aging (NCOA) to pay for vans and laptop computers that state insurance counselors can use to sign people up.

For politicians, of course, the goal was not just money but votes. Last summer at a meeting of some fifty healthcare lobbyists, a parade of Republicans, led by cheerleader DeLay, urged the lobbyists to help launch a national advocacy campaign to sell Part D, saying the effort would pay dividends in the 2006 midterm elections. That campaign is roaring across the country with the Medicare Rx Education Network, whose membership roster reads like a Who's Who of the business and medical establishment, leading the promotional charge. The network's star is none other than ex-Senator Breaux, who chairs the effort from his Washington law firm, Patton Boggs, one of the capital's premier lobbying outfits. Breaux has been placing op-eds and letters to the editor in newspapers urging seniors to sign

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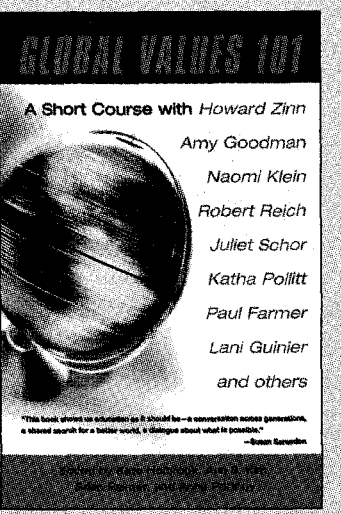

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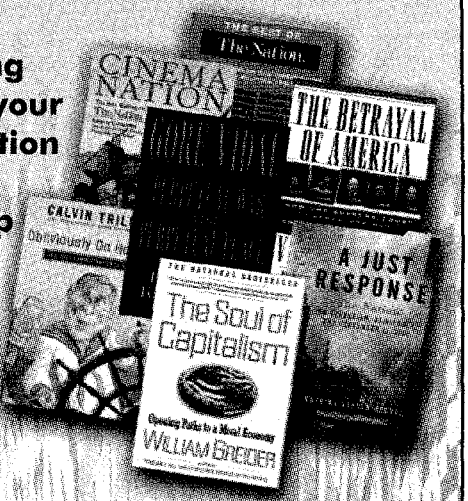

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up. The network has sent out six mailings to everyone eligible for Medicare, using the government's Medicare Rx Education logo. These mailings' return address is the US Chamber of Commerce. Seniors who also see the Medicare Rx Education logo on government publications can be forgiven if they are confused about who is sending the message.

In its pro–Part D public relations efforts, Medicare Today—a creation of the Healthcare Leadership Council, an organization of hospitals, drug companies, device makers and academic medical centers—has enlisted more than 300 other organizations, ranging from the Blue Cross Blue Shield Association to Wal-Mart Pharmacies, which have contributed $6 million toward "outreach." Since July Medicare Today has held 1,000 events around the country promoting Part D to seniors, and it has stationed representatives in pharmacies and grocery stores to answer questions and help them use the web tool. "We believe this is the right fix for Medicare and it's the right evolution for the twenty-first century, and we're trying to get people to take advantage of it," explains Michael Freeman, executive vice president of the Healthcare Leadership Council.

The initial reluctance of seniors—despite the fevered push to sign up the 20 million older Americans still eligible but not yet enrolled—may reflect an intuitive wariness of a program that while helping them in the short run may doom Medicare in the long run. At the Christmas press conference, Secretary Leavitt said seniors would "never have to worry about high drug costs in the future." But they do. In the end, a drug benefit based on the free market may kill Medicare. It's bad enough that Congress underestimated the true cost of Part D by at least $150 billion. But in its most devastating concession to Big Pharma, Congress forbade the government to negotiate with pharmaceutical companies over drug prices—a deliberate and crucial omission. In essence, Congress bet on insurance carriers and competition to keep drug prices under control—something the market has done poorly.

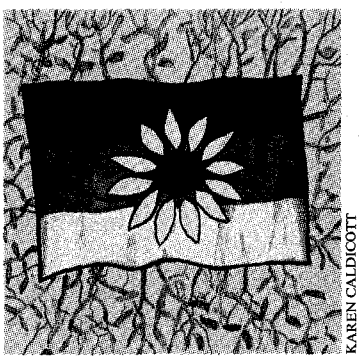
With Part D causing a virtual epidemic of headaches and complaints, there will be plenty of pressure on Congress to fix the mess. Representative Jan Schakowsky, a progressive Illinois Democrat, has introduced a bill to standardize benefits and require the government to negotiate prices with pharmaceutical firms. Passing such needed reform will be difficult, if not impossible. But Part D will not work in the long run unless Congress mandates price negotiations and ends the formulary free-for-all. Without standardized formularies, sellers can change the drugs they cover at any time—forcing seniors to pay out of pocket, find another insurer, get their doctors to change their treatment plans or file for an exception.

Even with standardized formularies, runaway drug prices could cause Congress ultimately to conclude that Medicare is simply too expensive—and transform it into a means-tested welfare program that would make doctor, hospital and drug benefits available only to the very poorest seniors. That would end Medicare as we know it. Maybe that was the real goal of Part D all along. ■

GERMANY'S GREEN PARTY IS OUT OF GOVERNMENT—BUT STILL ON THE LEADING EDGE.

Green Power

MARK HERTSGAARD


KAREN CALDICOTT

Last fall's elections in Germany knocked the Green Party out of the government but not, it seems, out of power. From 1998 to 2005, the Greens had helped govern Germany as the junior partner in a red-green coalition led by the Social Democratic Party. Following inconclusive elections this past September, the red-green government was replaced by a so-called grand coalition between the SPD and an alliance of two conservative parties, the Christian Democratic Union (CDU) and the Christian Social Union, headed by Angela Merkel. The Greens were left out. Yet their influence on public policy persists, as illustrated by one of the first actions Merkel took as Chancellor.

Embracing a green jobs program the Greens had long championed, Merkel decreed that from now on 5 percent of all pre-1978 German housing would be made energy efficient every year. Toward that end, the government will spend 1.5 billion euros a year subsidizing the installation of more efficient insulation, heating and electricity systems in houses and apartment buildings across the nation. That is a major outlay of money, especially considering widespread calls to trim Germany's budget deficit, but the program is seen as a win-win-win. The 1.5 billion euros will be recouped through lower energy bills. Lower energy use will mean less air pollution and lower greenhouse gas emissions. And, most important of all for a nation fighting double-digit rates of unemployment, the efficiency upgrades will create thousands of jobs that cannot be outsourced overseas. Because efficiency renovations are highly labor-intensive and by their nature localized, the program will provide jobs for countless German carpenters, electricians and other construction workers. Since much of Germany's pre-1978 housing is located in the former East

Mark Hertsgaard, a Nation Institute Fellow, is The Nation*'s environment correspondent. He is the author, most recently, of* Earth Odyssey: Around the World in Search of Our Environmental Future *and* The Eagle's Shadow: Why America Fascinates and Infuriates the World.

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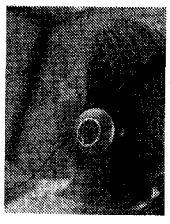

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Germany, most of the new jobs will be created there, where unemployment and the social tensions it fosters are greatest.

"The new government is clearly following our lead," says Reinhard Bütikofer, Green Party chair. "This will not only strengthen climate policy but create many new jobs. We in fact started that program while in the [red-green] government, and we had to defend it a couple of times against the SPD finance minister."

Twenty-five years after their founding, the German Greens remain without question the most influential environmentally based party ever. They have exercised decisive effect not only on government policy but on the underlying terrain of social values and beliefs that shape policy, and they have done so both at home and abroad. During the 2005 election campaign, recalls Patrik Schwarz of the German weekly *Die Zeit*, who has written extensively about the party, "the Greens would say, half-jokingly, that if they had not helped to usher in changes in German politics and society over the past twenty years, you never would have seen a woman [Merkel] heading the CDU ticket or an openly gay man [Guido Westerwelle] leading the [business-based] Free Democratic Party." One month after Merkel's announcement, the European Bank for Reconstruction and Development also copied the Greens when its president, Jean Lemierre, announced that Eastern European countries would have to improve their energy efficiency in order to continue receiving loans.

Arguing that wealth cannot be distributed unless it is first created, the Greens now embrace market-friendly modernizations.

During their years governing the world's third-biggest economy, the Greens also showed they could be trusted with the reins of power without losing their edge. They demanded and won an internationally unprecedented phaseout of nuclear power—nineteen reactors, which supply 30 percent of Germany's electricity, are scheduled to close by 2020—and made up the shortfall by sponsoring a renewable energy sources law that has already doubled German production of solar, wind and other renewable energies and is projected to raise their share of German energy consumption to 65 percent by 2050. Under the leadership of the party's most popular figure, Foreign Minister Joschka Fischer, the Greens transformed Germany's foreign policy and global image, leaving behind their own historical pacifism and the nation's historically reflexive pro-Americanism. Fischer enraged both the Greens' left wing, by supporting international peacekeeping missions in the Balkans and Afghanistan, *and* the Bush Administration, by leading European resistance to the Iraq War.

But if the Greens are so clever, why were they voted out last September? Bütikofer insists the defeat wasn't the Greens' fault, and the data support him. Since joining the government in 1998, the Greens have *increased* their share of the vote in national elections from 6.7 percent to 8.1 percent. It was the decline of former Chancellor Gerhard Schröder's SPD, whose support fell from 40.9 to 34.2 percent over the past seven years thanks to a failure to conquer Germany's unemployment crisis, that doomed the red-green government. In the lead-up to the election, polls showed the SPD trailing the CDU by as much as twenty points. Thus, says Schwarz, "The Greens didn't have the functional argument going for them this election. They couldn't campaign saying, 'Vote Green and you'll get a red-green government.'"

Looking forward, the Greens face the challenge of replacing Fischer (who announced his retirement from the party leadership) and, above all, sharpening their appeal on economic issues. "Ask Germans which party is the most competent on consumer or energy or especially environmental issues, and it's the Greens," says party chair Bütikofer. "But on the economy we're not respected a lot, so that's where we have to do the most work."

The Greens are, after all, implicated in the economic shortcomings of the red-green government, whose reform of Germany's social welfare state went too far for many on the left but not far enough for business and others on the right. (The new Left Party capitalized on workers' dissatisfactions with the red-green reforms to win 8.7 percent of the 2005 vote, nosing ahead of the Greens.) Arguing that wealth cannot be distributed unless it is first created, the Greens now present themselves as the party of market-friendly modernizations. "We must find answers to globalization, to independence from oil, to integration of foreigners" into German society, says Renate Künast, the new co-leader of the party's parliamentary faction. "We don't want to leave this up to the market alone, because the market follows and rewards only the interests of shareholders. The government must set rules...so that a worker is not just a pawn in the game of economic interests. That is modern left politics."

The green jobs program that Chancellor Merkel borrowed from the Greens is a key example of the larger argument the Greens will continue to push, says Bütikofer—that "what has traditionally been called 'industrial policy' should instead be renamed and pursued as 'environmental policy.'" The Greens' Renewable Energy Sources law likewise "sent the message that ecological innovation and jobs go together," Bütikofer adds. The renewable energy industry now employs 130,000 workers in Germany. Because parts of the law on renewables have since been copied by forty-one other nations, including China, German exports of renewable energy technology should grow, yielding even more jobs in the future.

At age twenty-five the Greens have left behind their militant past to become a center-left party; Green leaders speak as critically of the alleged "demagoguery" of the Left Party as they do of the "market radicalism" of the right-wing Free Democratic Party. Much of what the party has accomplished at home is not transferable to countries with nonparliamentary electoral systems; in the winner-take-all United States, getting 8 percent of the vote is a ticket to nowhere. But Germany is rich and powerful enough that its actions have a global effect. In the past seven years the Greens seeded a worldwide renewable energy revolution while helping to weaken the Bush Administration's drive to war in Iraq. Those are impressive achievements, and if the party can further find its voice on economic matters, they could be just the beginning. ■

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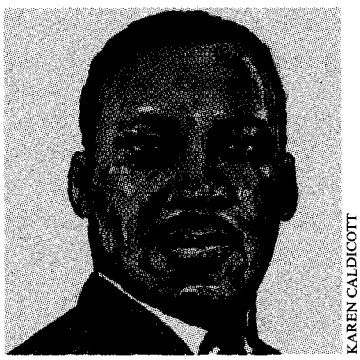
"WE'RE JUST SAYIN', US BLACK PEOPLE...JUST AIN'T GONNA WORK ON THAT DAY ANYMORE."

Working-Class Hero

WILLIAM P. JONES



KAREN CALDICOTT

The recent transit workers' strike in New York City was a vivid reminder that unions maintain considerable leverage despite their shrinking numbers. Buried beneath the stories about tense negotiations, holiday shopping disruptions and commuters hoofing it over the Brooklyn Bridge was one of labor's past glories—the creation of Martin Luther King Day. When Transport Workers' Union president Roger Toussaint demanded recognition of the holiday, he cited the Metropolitan Transit Authority's failure to honor King's birthday as evidence of administrators' lack of respect for the mostly black, Latino and Asian-American members of his union. By doing so, he harked back to the civil rights leader's working-class activism—and the forgotten labor roots of the MLK holiday.

Given the corporate sponsorship of contemporary King day celebrations, it may come as a surprise that the holiday began as a union demand in contract negotiations. In 1968, just four days after King's assassination, Representative John Conyers introduced a bill to make the slain leader's birthday a national holiday. The bill would likely have died in committee, and stayed buried, had it not been for thousands of working-class Americans—most of them black, but also white, Asian and Latino—who risked their jobs over the next fifteen years to demand the right to honor a man they viewed as a working-class hero.

As black union leader William Lucy testified before Congress, King's prolabor politics gave the holiday a "special significance" for the organized working class. Those politics had emerged from King's close collaboration in the 1950s and early 1960s with union activists like Bayard Rustin, A. Philip Randolph and Cleveland Robinson, a leader of the New York City–based Distributive Workers of America (DWA). Lucy highlighted that King was shot while supporting a strike in Memphis by members of Lucy's union, the American Federation of State, County and Municipal Employees (AFSCME).

Initial protests on behalf of a King holiday were small and geographically limited. Managers at a General Motors plant in New York threatened to discipline a small group who refused to work on King's birthday in 1969, but GM backed down after a larger group walked off their jobs in solidarity a few days later. A few thousand New York City hospital workers went on strike that fall, returning only after managers agreed to higher wages, better benefits and a paid holiday on King's birthday. Similar contracts were won by 25,000 additional hospital workers and 80,000 dressmakers a few months later.

Unions provided the financial and social capital to extend the movement nationwide. That support was coordinated by DWA leader Robinson, a close friend of the King family. King's widow, Coretta Scott King, invited Robinson and Conyers to kick off the campaign for a national holiday at a 1969 birthday rally at the new King center in Atlanta. At the rally, Conyers recounted his bill's defeat in Congress and expressed hope for more support the following year. Robinson called for direct action, declaring, "We don't want anyone to believe we hope Congress will do this. We're just sayin', Us black people in America just ain't gonna work on that day anymore."

By 1973, with the King holiday bill still languishing in Congress, working-class blacks were doing just what Robinson recommended. "I have been told by people in plant after plant in Detroit," Conyers testified in Congress that year, "that on January 15th, if it is not in the bargaining contract, one does not come to work anyway. It is a holiday already." Robinson's DWA urged members to observe King's birthday "regardless of contractual obligations or permissions of employers" and pledged its "full resources" to defend workers from punishment. Union officials demanded a paid holiday in contract negotiations, and individual members were asked to donate a "significant portion" of their holiday pay to the campaign. AFSCME and the United Autoworkers also contributed funds and made the holiday a standard contract demand.

Public employees' unions were strategically placed to advance the holiday in the 1970s. With growing demand for public health, education and transportation services, state and city workers had gained considerable economic and political clout; their unions helped elect black mayors in Los Angeles, Detroit and Atlanta, and they successfully supported union-friendly officials in New York and other cities. Where officials opposed the holiday, public employees often forced them to acknowledge it. Chicago Mayor Richard Daley ordered city employees to work on King's birthday in 1971, but public schools closed because of a teachers' strike that ended with wage and benefits gains—and with a paid holiday on King's birthday. An Indianapolis union leader boasted that teachers had "negotiated a contract that will allow us to close down schools on Martin Luther King's birthday." In 1975 the New Jersey Supreme Court reversed a legislative vote against the holiday on the grounds that it violated union contracts giving state employees the day off.

In 1976 the King center strengthened its alliance with unions by focusing MLK birthday celebrations on the demand for full employment—a centerpiece of the AFL-CIO's legislative agenda. Thousands of people joined that year's King day march in

William P. Jones, author of The Tribe of Black Ulysses: African American Lumber Workers in the Jim Crow South, *is associate professor of history at the University of Wisconsin and a scholar-in-residence at the Schomburg Center for Research in Black Culture.*

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Atlanta, with union members as the largest contingent. The event solidified a coalition that helped elect Jimmy Carter President that year. In exchange, President Carter endorsed the national holiday bill and ordered a commemorative stamp to honor King's fiftieth birthday in 1979.

Carter's endorsement came as the union movement, which peaked in the mid-1970s, began to lose steam. An urban financial crisis limited mayors' willingness to negotiate with city workers. In a remarkable attack on the union that helped elect him as Atlanta's first black mayor, in 1977 Maynard Jackson broke a strike of mostly African-American AFSCME members and replaced them with nonunion workers. Detroit Mayor Coleman Young, himself a former union activist, provoked a strike when he dismissed city workers' contract demands as "unrealistic" and proposed moving King day to Sunday to relieve the city budget. At the national level, Senator Jesse Helms of North Carolina led a vitriolic attack on the holiday movement and the "epidemic" of "illegal strikes of municipal employees" that seemed to drive it. Helms claimed that another national holiday would be too costly, and inveighed against King as a lawbreaker "subject to influence and manipulation by Communists."

After a decade of worker organizing for the holiday, it had the legitimacy to survive such attacks. But the campaign took a sharp turn. With union allies weakened, the King center launched an ambitious campaign to generate corporate and popular support for King day. It paid off in 1980, when superstar Stevie Wonder dedicated his hit song "Happy Birthday" to King. In 1982 the King center received large donations from Coca-Cola, the Miller Brewing Company and other megacorporations. The center also gained admission to the Combined Federal Campaign, allowing it to solicit donations from federal employees and members of the military. Coretta Scott King presented Congress with 6 million signatures in favor of a King day bill, the largest petition in favor of an issue in US history. Congress passed the bill, and on November 3, 1983, President Reagan signed it into law.

By the time Martin Luther King Day became a national holiday, few observers remembered its origins in the strike wave of the early 1970s. The corporatizing of King's image was obvious in the theme of the King center's 1983 birthday celebration: Free Enterprise: An Agent for Nonviolent Social Change. The AFL-CIO held a dinner to announce its co-sponsorship of a King Labor Institute, but the event was overshadowed by other dinners featuring the likes of Vice President Bush and filmmaker Sir Richard Attenborough. In a particularly ironic twist, the King center secured permission to sell images of King—an outspoken critic of war—on US military bases around the world.

While the edges continue to be smoothed off King's bracing challenges to racism, war and free-market exploitation, the transit strike recalled the immense symbolic power of Martin Luther King Day, connecting unions to the broader struggle for racial and economic justice. The Metropolitan Transit Authority granted its mostly minority workers the holiday—along with increased wages and pension reimbursements. More than the feel-good celebration of "a dream" that the holiday has become, it was a fitting reminder of a man who believed the struggles for civil rights and for labor rights were intertwined, a man who called the labor movement "the principal force that transformed misery and despair into hope and progress." ■

LETTERS
CONTINUED

(Continued From Page 2)
have the right to vote for whomever they want, as they did before this occupation.

The anecdotal evidence Deibert offers is mostly unsubstantiated or misleading. There is little evidence that the Aristide government "actively thwarted" the investigation of the murder of journalist Jean Léopold Dominique. As for the other violence that he mentions, it has not been shown that Aristide or anyone under his control was responsible for it. He claims that thugs acted in December with "visible collusion with police," but that is simply an allegation.

Aristide made concerted efforts to reform the justice system and to address the root causes of the country's violence. He was trying to reform a judiciary inherited from past dictatorships. But he was also facing a massive, well-funded and ultimately successful effort to rip apart all democratic institutions so as to topple his government.

But even if all of Deibert's allegations were true, which they clearly are not, it would never justify the coup or the current dictatorship. After every US intervention that used violence, economic sabotage and destabilization to topple a democratically elected government—e.g., Allende's Chile in 1973, the Sandinistas in Nicaragua (democratically elected in 1984) or even the brief 2002 coup against Venezuela's Hugo Chávez—there has been no shortage of academics and journalists seeking to blame the victims for their own demise. Since all governments commit mistakes and abuses, this argument can always be constructed; it is perhaps easier to do so for a very poor country where the rule of law is not well established. Deibert's efforts fall squarely within that dishonorable tradition. MARK WEISBROT

STILL NYMPHY AFTER ALL THESE YEARS

Cambridge, Mass.

■ Three things to correct in "Succès de Scandale," Lila Azam Zanganeh's December 5 review about *Lolita* turning 50. "Nabokov admits that in looking for a title for *Lolita*, he toyed with *The Anthemion*." Wrong book. He considered that name for *Speak, Memory* and discusses such in the foreword to that work.

Maar does not suggest "cryptoamnesia" as a possibility but "cryptomnesia." The cryptic part is the remembering, not the forgetting.

And third, I don't "dwell on the writer's supposed abhorrence of his protagonist," the writer does. He calls Humbert a "wretch" and a "scoundrel." As for the abhorrence, that's from the book itself, where the author of the false foreword, John Ray Jr., tells us we should be "entranced with the book while abhorring its author." LELAND DE LA DURANTAYE

ZANGANEH REPLIES

New York City

■ Whereas the footnotes to Maar's book refer to "cryptomnesia," Verso's cover refers to "cryptoamnesia," which is sometimes, albeit abusively, used as a synonym. The idea is recollecting the forgotten, while not realizing it was known in the first place. As to Nabokov's supposed "abhorrence" of Humbert, his mischievous manner of calling his own character a "wretch" and a "scoundrel" is hardly proof of actual "abhorrence." As Dmitri Nabokov recently emphasized in an e-mail message, Nabokov was incessantly ironic as to the moral turpitude of Humbert. And in the same vein, taking the faux preface to *Lolita* literally is a staggering misconception of Nabokov's hilarious parody of the prim and proper reader who will seek the arch-moral excuse to relish and revel in *Lolita*. LILA AZAM ZANGANEH

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BOOKS & THE ARTS

Easier Said Than Done

JOHN GRAY

COSMOPOLITANISM: Ethics in a World of Strangers.
By Kwame Anthony Appiah.
Norton. 196 pp. $23.95.

There is a strange presumption in recent thought about human values. When we think about basic issues in ethics and politics, it is taken as a given that we face a choice between liberalism and relativism. Believing that human values are cultural constructions that vary widely across time and space, relativists urge us to be conscious of difference. If they have a political message it is one of tolerance: "Don't try to impose your way of life on others; be sensitive to the claims of cultural minorities in your own society." Liberals, on the other hand, insist that there are requirements of justice or rights that apply to all human beings regardless of the communities or cultures to which they belong. The liberal political message is one of universalism: "The human species is—or may one day become—a single moral community in which the same values are honored everywhere." Either we commit ourselves to liberal universalism or we must embrace moral relativism.

There are many things wrong with this dichotomy. One of the most obvious is that it is highly parochial. Liberalism may look like the only game in town these days, but just a generation ago there were Marxists, anarchists, socialists and others who believed a systematic alternative to liberal society was desirable, imaginable and practically feasible. Further back in the history of thought, there were many versions of universalism—most of them nonliberal. Plato, Aristotle, Augustine and Aquinas all believed in universal values, but no one would call them liberals. Looking outside the Western tradition, the same is true of Confucian, Buddhist and Islamic thinkers. It is one thing to assert the existence of universal values, quite another to claim these values are in some sense liberal. It is also true that most relativists have not been greatly concerned with issues of difference. Often relativism has gone hand in hand with the idea that society is an organic whole—a highly dubious notion, which if it tends to support diversity does so only at the level of entire cultures. Herder and the Romantics celebrated the differences among peoples, but they were indifferent or hostile to the claims of cultural minorities.

The idea that we must choose between liberalism and relativism reflects the poverty of the contemporary political imagination and a disabling loss of historical memory. Kwame Anthony Appiah's *Cosmopolitanism: Ethics in a World of Strangers* is a welcome attempt to resurrect an older tradition of moral and political reflection and to show its relevance to our current condition. Appiah, a professor of philosophy at Princeton, seeks to revive cosmopolitanism, a view of humans as citizens of the world that was advanced by the Cynics in Greece in the fourth century BCE and elaborated by Stoic philosophers in Roman times. In Appiah's view cosmopolitanism has two intertwined strands: the idea that we have obligations to other human beings above and beyond those to whom we are related by ties of family, kinship or formal citizenship; and an attitude that values others not just as specimens of universal humanity but as having lives whose meaning is bound up with particular practices and beliefs that are often different from our own. Appiah sees this cosmopolitan perspective re-emerging in the Enlightenment and expressed in the 1789 Declaration of the Rights of Man and Kant's idea of a League of Nations.

Presented as an alternative to both liberalism and relativism, Appiah's cosmopolitan ethics finesses more problems than it solves.

John Gray is Professor of European Thought at the London School of Economics. His most recent book is Heresies: Against Progress and Other Illusions *(Granta).*

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As a position in ethical theory, cosmopolitanism is distinct from relativism and universalism. It affirms the possibility of mutual understanding between adherents to different moralities but without holding out the promise of any ultimate consensus. There are human universals that make species-wide communication possible—and yet these commonalities do not ground anything like a single universally valid morality or way of life. Clearly this is a position that carries within it a certain tension. The idea that we have universal moral obligations is not always easily reconciled with the practices and beliefs that give particular human lives their meaning. Appiah recognizes this tension, and writes: "There will be times when these two ideals—universal concern and respect for legitimate difference—clash. There's a sense in which cosmopolitanism is the name not of the solution but of the challenge."

A large part of *Cosmopolitanism* spells out the philosophy that underpins this position. What Appiah has to say in defense of cosmopolitanism is eminently sensible, but it is in no way new. In a move that will be familiar to anyone who recalls the ideas about "open texture" and "essential contestability" that were at the forefront of philosophical debate about language and values a generation ago, Appiah suggests that moral discourse is essentially practical in character. It seeks to express our desires and shape the attitudes of others rather than to report the way things are in the world. Like other types of discourse, moral language requires the use of judgment, which means different people will use it in different ways; but that does not mean morality is subjective. Rather, it means the possibility of moral conflict is built into language itself. As Appiah puts it: "When we describe past acts with words like 'courageous' and 'cowardly,' 'cruel' and 'kind,' we are shaping what people think and feel about what was done—and shaping our understanding of our moral language as well. Because that language is open-textured and essentially contestable, even people who share a moral vocabulary have plenty to fight about."

Appiah argues that as a result of the influence of positivism, an erroneous view of moral language has come to be widely accepted. For positivists science is the model for all other modes of discourse, and since moral reasoning contains nothing like the procedures for verification and falsification that are found in science, ethics is bound to seem a second-rate form of thought. Quite correctly, Appiah maintains that a great deal of human discourse does not fit this positivist model. When people with divergent moral outlooks talk to one another about the good life, he suggests, they are usually not engaged in argument. They are best understood as partners in conversation—an open-ended encounter that can be useful and enlightening even if, as is commonly the case, it does not end in consensus. As Appiah elegantly puts it: "We enter every conversation—whether with neighbors or with strangers—without a promise of final agreement." We can enter into the moral worlds of others and come to see that we partake in a common humanity without ever converging on a shared morality.

Appiah defends cosmopolitanism in the apparent belief that it tends to bolster liberal values, when in fact it is bound to be open-ended.

Appiah's version of cosmopolitan ethics strikes me as being very close to the value-pluralism defended by Isaiah Berlin, and it suffers from some of the same weaknesses. The advantage of Berlin's view is that it can acknowledge rationally insuperable moral differences without falling into relativism. Contemporary relativists follow the ancient Greek Sophists in holding that judgments of value are matters of opinion. However, human life contains goods and evils that do not depend on our opinions. To be at risk of genocide or subject to torture is an evil for all human beings whatever their beliefs. These evils are not culture-relative, and protection from them is a species-wide good. Once we recognize this, we cannot avoid speaking of universal human values; but this is not the same as having a universal morality. As Berlin never ceased to remind us, the most fundamental human values can make conflicting demands in practice, and in some of these conflicts reasonable people end up with different views of what is right. That is one reason there are different ways of life.

Value-pluralism undercuts the claims of all universal moralities, including liberal morality. Like Berlin in some of his writings, Appiah seems to want to celebrate moral diversity and at the same time endorse the universality of liberal values. The result is that he is constantly pulling liberal rabbits out of cosmopolitan hats. In discussing the issue of gay marriage, for example, Appiah informs us that while most Americans are against it they don't quite know why, whereas for those who favor gay marriage it just seems right. He adds: "The younger they are, the more likely it is that they think gay marriage is fine. And if they don't, it will probably be because they have had religious objections reinforced regularly throughout life in church, mosque or temple." It's not clear how Appiah knows this to be true, but that is not the point. What some people end up feeling cannot decide a question of this kind. If many religious people preach against gay marriage, it is because they believe being gay is wrong. If others think that "gay marriage is fine," it is because they believe there is nothing wrong with being gay. The point is that one cannot avoid making a moral judgment, and this inescapably means accepting or rejecting certain religious beliefs. Those who favor gay marriage—as I do—do so because they reject the belief that being gay is in any way bad or wrong. Cosmopolitanism has very little bearing on the issue.

Appiah defends cosmopolitanism in the apparent belief that it tends to bolster liberal values, when in fact it is bound to be open-ended. Cosmopolitan thinkers may endorse some liberal positions, but this has nothing to do with the logic of cosmopolitan theory. As a political theory, cosmopolitanism is a doctrine of live and let live—a very different thing from liberalism as usually understood today. Appiah tells us that the cosmopolitan view was expressed in modern times in the Declaration of the Rights of Man, but actually it was most clearly held by thinkers who had no truck with declarations of rights. For Thomas Hobbes and David Hume the end of politics was not a regime of rights but peace—and they were ready to curb freedom whenever it posed a serious threat to the achievement of that end. Again, Michel de Montaigne is surely one of the great early modern exponents of cosmopolitan ethics. He affirmed a common humanity transcending differences of custom and tradition—and at the same time denied that any one way of life was best for everyone. These modern cosmopolitans were too aware of the intractability of human affairs to imagine that great human evils such as anarchy, war and tyranny could be overcome by seeking to make a single form of government universal. They believed—to my mind rightly—that pursuing such a goal would only add to the sum of human evils. Nothing could be more alien to these cosmopolitan thinkers than the missionary certainties of the kind of

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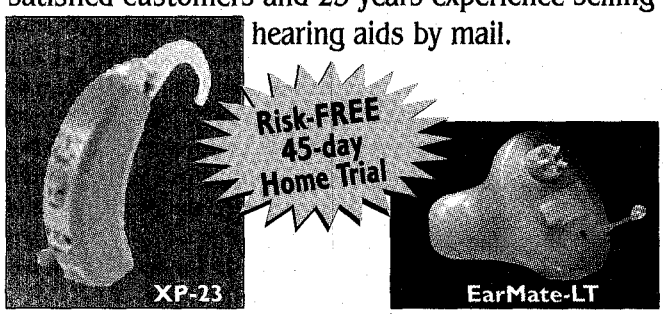

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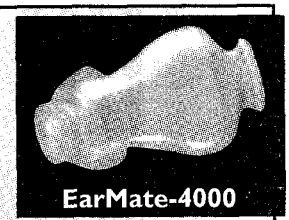

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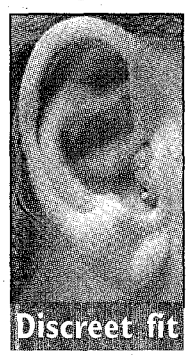

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liberalism that seeks to establish one type of regime throughout the world.

Appiah believes that cosmopolitan theory has a special relevance today, and he succeeds in showing that this neglected and attractive tradition of thought deserves serious attention as a habitable middle ground between liberalism and relativism. Where he fails is in not exploring the points at which cosmopolitanism and liberalism diverge. Yet these are precisely the areas where a cosmopolitan viewpoint is currently most needed. As Appiah notes, contemporary thought is beset by the notion that we can live together only if we are alike. In international relations this idea is expressed in the prevailing belief that only regimes that respect human rights or practice democracy (it's not always clear which) can be legitimate—a view that has been used by the neoconservative right to justify the calamitous attack on Iraq. If we are to avoid similar disasters in the future, we need an account of legitimacy as applied in the society of states that is not just a recent version of liberalism writ large. Cosmopolitanism could surely help frame such an account, but it would have to be more willing to challenge current pieties than the version presented by Appiah. ■

In Her Mind's Eye

JONATHAN RÉE

ESSAYS IN UNDERSTANDING, 1930–1954: Formation, Exile, and Totalitarianism.
By Hannah Arendt. Edited by Jerome Kohn. Schocken. 458 pp. $16.95.

RESPONSIBILITY AND JUDGMENT.
By Hannah Arendt. Edited by Jerome Kohn. Schocken. 295 pp. $16.

THE PROMISE OF POLITICS.
By Hannah Arendt. Edited by Jerome Kohn. Schocken. 218 pp. $25.

Hannah Arendt's *The Origins of Totalitarianism* would be on anyone's list of books that changed the world. But it is a classic that is deeply marked by the period in which it was written—a period, as Arendt put it, of "both reckless optimism and reckless despair." She started work on it in 1945, when Hitler had just been defeated, and finished in 1951, when the new state of Israel was beginning to flex its military muscles in the Middle East, communist revolutionaries had taken power in China, and Berlin had been blockaded under the shadow of the atom bomb.

"Never has our future been more unpredictable," Arendt wrote; "never have we depended so much on political forces that cannot be trusted to follow the rules of common sense and self-interest." We had no hope of recovering our old-time faith in progress, but there was not much chance of returning to "the old world order" either. The best traditions of Western culture had been vandalized and laid waste by Fascism and Nazism, and we found ourselves defenseless at the prospect of World War III.

Socialism and Marxism might once have offered shelter for political optimists, but not anymore: They had by then been absorbed into Stalinist Communism, which, far from being the antithesis of Nazism, turned out to be its horrible twin—an undeclared totalitarianism of the left, exactly mimicking the self-proclaimed totalitarianisms of the right.

Arendt was not the first to describe Marxism as a form of totalitarianism, and several of her conclusions had been anticipated by Karl Popper in *The Open Society and Its Enemies* in 1945—though she seems never to have acknowledged his work, or he hers. But no one before her had presented a sustained historical argument for regarding German Nazism and Soviet Communism as "essentially identical systems." As she saw it, the essence of totalitarianism was not dictatorship or one-party rule but a kind of ideological alchemy that transmuted a few fanciful notions of historical fate into ruthless imperatives of government. To Arendt, totalitarian ideology was manifestly ludicrous: If the future is really being shaped by an iron historical destiny, it should not require assistance from an iron political will. But ludicrousness is no obstacle to influence, and totalitarian fantasies had been the inspiration of several megalomaniacal regimes—notably in Nazi Germany and the Soviet Union—that tried to override the inherent unpredictability of human affairs and to treat people as superfluous to grand historical projects. "The totalitarian belief that everything is possible," Arendt said, "proved only that everything can be destroyed."

The mood of *The Origins of Totalitarianism* was sober but never despondent. Totalitarianism as Arendt portrayed it was the upshot of an extraordinary concurrence of historical circumstances rather than an expression of some deep-rooted hideousness in human nature. By an unlucky accident, the collapse of rigid class structures in Europe had coincided with the decay of well-defined nation-states and the dissolution of old-style imperialisms, leaving traditional networks of solidarity in ruins. Totalitarianism had then filled the political vacuum with a new form of nationalism—a "tribal" nationalism that appealed to the self-pity of the mob while offering an attractive platform to intellectuals with delusions of omniscient grandeur. Even the persecution of the Jews was incidental rather than inevitable. Anti-Semitism had a long and repellent history, but before the rise of totalitarianism it had been little more than a hobby for boorish buffoons. When prosperous Jews lost their former function as state financiers, however, they became easy targets for inchoate mob rage, and anti-Semitism was transformed into a concerted policy of mass murder. Totalitarianism, in short, was a kind of accident, and it "became this century's curse only because it so terrifyingly took care of its problems." With the defeat of Nazism, however, the problems facing the world had changed; and if there were continuing grounds for fear, there were also fresh reasons for hope.

Many readers were shocked by *The Origins of Totalitarianism*—not so much by its relentless account of murderous cruelties as by its occasional flashes of good cheer. At a time of deepening disillusionment about the public world, when many of Arendt's contemporaries were turning toward the pleasures of cookery, religion, scholarship, children, art or psychoanalysis, Arendt insisted that however badly things were going, politics could always save us. She drew inspiration from the Nuremberg trials and their concept of "crimes against humanity," and from the foundation of the United Nations she looked forward with extraordinary confidence to some sort of global political renaissance.

Jonathan Rée is the author of I See a Voice: Deafness, Language and the Senses—A Philosophical History *(Metropolitan), among other works.*

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Arendt had a distinctly high-minded conception of politics, seeing it not as the bureaucratic administration of collective concerns or a burdensome public duty, still less as a self-interested continuation of warfare by other means. Politics for her was a precious cultural achievement rather than a regrettable social necessity, and it involved the careful maintenance of institutions that enable people to converse freely and respectfully about the world as they see it and as they would like it to be. It was essentially concerned with problems of a kind that will never have perfect solutions, and that therefore require improvisation, invention and endless critical discussion. Politics required us to set aside all sentiments of pride, indignation, shame or resentment, as well as any pretensions to superior expertise, in order to become responsive, intelligent citizens willing to negotiate all our differences on a basis of complete equality. Politics, in short, was the opposite of totalitarianism, and it depended on an open-hearted love for "human plurality"—for people not in the mass or in the abstract but in the distinctness and idiosyncrasy of their lives and the infinite variety of their perceptions. It was more like a serene philosophical seminar than a self-interested struggle for power, and it was not so much a means to human happiness as the pith and substance of it.

There was a deep backstory to Arendt's depiction of politics in *The Origins of Totalitarianism*. In the beginning, she thought, there was the ancient Greek polis, or city-state, where genuine politics—also known as democracy—enjoyed a brief flowering before being stamped upon by Plato and his philosophical disciples in the fourth century BCE. The philosophers, with their single-minded dedication to excellence and truth, were bound to abhor the implicit pluralism and egalitarianism of an authentic political world. Politics did not recover from their scorn until the eighteenth century, when "the tremendous equalizing of differences which comes from being citizens of some commonwealth" was glimpsed once again by the republican revolutionaries of America and France. Unfortunately the revolutionaries built their case on a metaphysical notion of "natural rights" that had no purchase outside the classical nation-state. When that structure collapsed, a space was opened up for totalitarian tribalism, with its lethal fantasies about historical destiny and its contempt for human plurality. But totalitarianism was collapsing in its turn, creating the possibility of a "new form of universal solidarity." The new solidarity would be built on a system of "global rule" designed around a single fundamental human right—the "right to the human condition," as Arendt called it, or the right to politics, or more concretely the "right to citizenship." Politics could then come into its own as the field where freedom flourishes, and we would be swept up in an unprecedented global event: "not the end of history," Arendt wrote, "but its first consciously planned beginning."

Arendt was not the kind of author to dwell on doubts or hesitations. She wrote in order to give expression to views already fully formed, claiming that the only limit to her productivity was her typing speed. And when *The Origins of Totalitarianism* started landing on people's desks in 1951, its bulky self-assurance caused annoyance as well as admiration. Arendt was little known at the time, and though her name conveyed the interesting information that she was a woman, the book gave no indication of the equally interesting facts that she was also a middle-aged Jew who had received a philosophical education in Germany before fleeing to Paris in her 20s to do social work with Jewish orphans; nor did it recount how she had escaped to the United States in 1941 and embarked on a

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career in New York as a writer and editor, apparently unfazed by the challenge of working in an unfamiliar language. It would no doubt have offended her sense of the dignity of politics to suppose that her personal life story gave any special authority to her opinions, but her intellectual manner was so strikingly alien that readers were intensely curious about who she was and where she was from.

The anonymous reviewer in the *Times Literary Supplement* recognized *Origins* as "a profound and important book" but complained about its eccentric way with English words and the "apocalyptic portentousness" of its style, surmising that English might not be Arendt's native tongue, and that she was in all probability a German. The intellectual historian H. Stuart Hughes, writing in *The Nation*, noted that Arendt was "impatient with easy explanations and verbal fluency"—which was a very tactful way of putting it—and praised her for delivering a "salutary mental shock." He was also able to draw on private knowledge and commend her work as testimony to "the high intellectual level of the German emigration of the 1930s, which has done American thinking an inestimable service by setting a standard that the native-born have rarely been able to match."

Arendt was indeed indebted to her German education. In 1924, at the age of 18, she left her home in Königsberg to study philosophy at Marburg, where she was taught by the as yet obscure Martin Heidegger, and briefly became his lover. Two years later she moved to Heidelberg and worked with Karl Jaspers, creator of the idea of *Existenzphilosophie*. She was 22 when she earned her doctorate with a dissertation on Augustine, and by that time she could be described as part of an existentialist movement, believing with Jaspers and Heidegger that truth can be perceived only in particular historical perspectives, and that each of us is responsible for our ways of seeing the world and the ideals by which we choose to live.

Equally important, her teachers gave her a vivid sense of the essential shape of history. Jaspers and Heidegger took it for granted that the development of humanity could be read off from the canonical works of the philosophers: from Socrates, Plato and Aristotle to Descartes, Kant and Hegel. But they regarded the great tradition as a vast and elaborate error rather than a treasury of timeless truths: The art of agile, multifaceted thinking had been all but smothered by Plato's boring, otherworldly objectivism, until Kierkegaard and Nietzsche came to the rescue in the nineteenth century.

It was an attractive story, and a convenient one too, since it implied that world history was bounded by Socrates at one end and Nietzsche at the other, and that its entire span could be comprehended in a single philosophical survey. The young Arendt had a flair for this kind of sweeping panopticism, and in the early 1930s she wrote several articles for German newspapers in which, having paid tribute to Jaspers and Heidegger, she leapt from one great historic thinker to another, assigning them roles in a familiar old drama in which ancient worldliness is replaced by Christian interiority, which is then challenged by the Enlightenment, which is rebuked in its turn by a "Romantic impulse," until the whole sad story is brought to an end by Kierkegaard and Nietzsche. If the articles are impressive in their range of reference, however, they are also dispiriting in their eagerness to slot each of the great philosophers into a prefabricated historical scheme. Their youthful author was on the way to being a formidable scholar, but she was in danger of becoming an inflexible dogmatist too.

The historian H. Stuart Hughes described Arendt as 'impatient with easy explanations and verbal fluency,' a very tactful way of putting it.

Arendt's early articles are translated in Jerome Kohn's indispensable anthology *Essays in Understanding*, which fills in the background of *Origins* and explains much of its apparent eccentricity. The astonishing confidence with which Arendt moved between philosophy and history while denouncing the entire philosophical canon was not the whim of a lonely maverick but a commonplace of the German tradition in which she had been trained. Her fundamental idea of "human plurality" was not so much a recapitulation of classical individualism as a reworking of the existentialist doctrine that the self is no more than a collection of points of view, and that any unity we attribute to it is a matter not of experiential fact but of wild and impossible yearning. Her conviction that the "whole structure of Western culture" had been called into question by totalitarianism was a deliberate and disturbing echo of the transvaluation of values Kierkegaard and Nietzsche were supposed to have accomplished a century before: The philosophers, you might say, had imagined a world beyond good and evil, but the Nazis—by practicing a "wickedness beyond vice," which condemned their victims to "innocence beyond virtue"—had actually created one. Arendt's theory that the politics of citizenship was the repressed underside of the entire philosophical tradition was simply an imaginative reapplication of the negative approach to the history of philosophy pioneered by Nietzsche, Jaspers and Heidegger. Indeed, her refreshingly elevated notion of politics was not so much an account of actual political phenomena as a reinterpretation of what the existentialists meant by the open-ended prephilosophical activity of thinking.

The other thing that shines out from *Essays in Understanding* is Arendt's passion for the country where she had chosen to live. European intellectuals had always despised the United States as a mass society in thrall to public relations, and in the early 1950s Arendt was alarmed to see their languorous snobbishness turning into virulent anti-Americanism—an ideology that, according to her, threatened to become "the content of a European movement" while offering cheap and painless ways to "prove oneself a liberal." But Europe's poor had always known better: They realized that the citizens of the United States were members of a mature political community unparalleled in the rest of the world, and they yearned to move to America because they could see that its egalitarianism contained "a promise of freedom" rather than "a threat to culture."

Arendt counted herself lucky to have made a home in America, and even luckier to have been granted membership in a political community subject to the "government of law and not of men." The American Republic was "utterly unlike the European nation-states with their homogeneous populations, their organic sense of history," she said, and it was the only place where someone like her could enjoy "the freedom of becoming a citizen without having to pay the price of assimilation." As far as she was concerned, the United States was the sole inheritor of the revolutionary principles of eighteenth-century Europe, and in spite of the Vietnam War, which she condemned as a disastrous miscalculation, she was never prepared to participate in popular protests or do anything else that might be construed as anti-American.

By the time of her death in 1975, at the age of 69, Arendt had become a celebrated American author, with dozens of scholarly articles to her name, reams of journalism and a sequence of extraordinary

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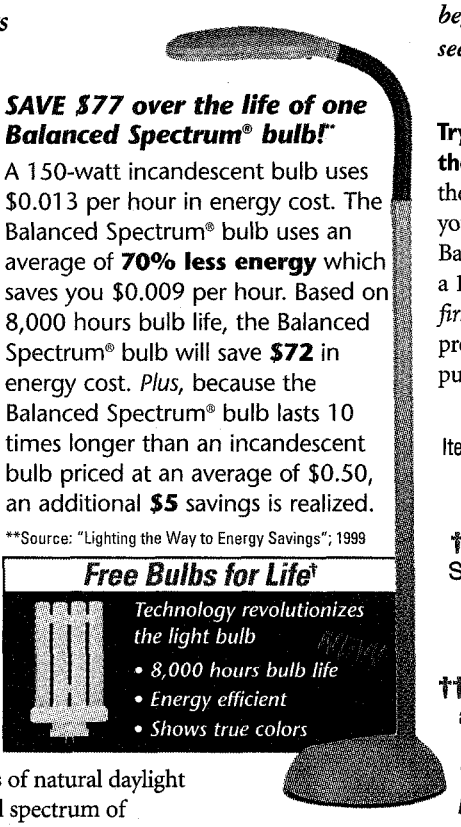

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books, including *The Human Condition*, *Eichmann in Jerusalem* (originally a series of reports in *The New Yorker*), *On Revolution* and *Men in Dark Times*. However, her pro-Americanism, together with her coolness toward Israel and "the Jews" (she often complained about their "insufferable tone of self-righteousness"), had won her many enemies. It did not help that she was a woman, and a childless woman at that, and one who took no particular interest in feminism. For a while it seemed that the public had had enough of her.

But the decline of the classical left in the 1980s and '90s created a surge of sympathy for her doctrine of republican citizenship, and the appearance of several volumes of her correspondence—with Heidegger and Jaspers as well as with her husband, Heinrich Blücher, and her friend Mary McCarthy—rekindled curiosity about her life and personality. Attention has now turned to her large legacy of unpublished and uncollected writings, which Kohn, an excellent scholar, has started preparing for publication. It is an ambitious undertaking, and in due course we can expect, among other things, an anthology of Arendt's reflections on Jewish questions, a new collection of letters and selections from her "thought-journals." Most of the doubts that might be entertained about the value of delving into Arendt's archives should be dispelled by the first two volumes in the series.

Responsibility and Judgment consists mainly of lectures on practical philosophy delivered in the 1960s, concentrating on the relationship between the world of public politics and that of personal morality. Arendt argued that the two worlds had a lot in common, in that neither political issues nor moral ones could ever be settled definitively, or by the mechanical application of ready-made categories: The truths of morality and politics were to be brought into being by a process of deliberation rather than discovered by acts of reasoning or observation. Moral and political dilemmas were like artistic ones; they both called for what Kant called "judgment," or the kind of infinite thoughtfulness that is willing to expose its own standards of assessment to the challenge of the issues it encounters. On the other hand, there was also a fundamental difference in that moral judgments are concerned with the self, or the kind of person one wishes to be, whereas political judgments are concerned with the world, and the kind of society one wants to live in. Having established an analytical distinction between public and private life, Arendt went on to warn of the dangers of blurring it in social action. Most of the evils of our time, she thought, arise from misguided attempts to moralize politics or politicize morality. She was on a mission to keep politics pure.

Arendt had an exceptional talent for making enemies, and in her 1959 essay "Reflections on Little Rock" she alienated progressive opinion irreparably by laying into the civil rights movement. Referring to a photo of a black girl leaving school surrounded by jeering young whites, she argued that it was grotesque to force children to suffer such humiliation and expect them to rise heroically above it. She regarded slavery and its racist legacy as the most terrible blot on American history, and she wanted all discriminatory legislation to be struck down. But in her view, that was as far as politics could legitimately go, and the federal government's attempt to force the children of Arkansas to attend racially integrated schools was both an unwarranted intrusion into private life and a terrible breach of political propriety—a fateful step, she implied, toward totalitarianism.

Arendt's critique of school desegregation as a fateful step toward totalitarianism was a fine example of her extraordinary stubbornness.

Arendt had a point about the cruelty of expecting the children of Little Rock to sort out problems their parents could not handle (it would seem that she never forgot what she learned as a social worker helping young refugees in Paris in the 1930s). But she was also offering a wider and more systematic argument about the need to maintain a distance between the political sphere, where the principle of equality is absolutely indispensable, and the social and private spheres, where it is completely inappropriate. If Jews wanted to spend their vacations with other Jews, she claimed, or non-Jews with non-Jews, they should be able to do so without hindrance, because their discriminatory actions were social rather than political, and therefore nobody's business but their own. After all, if the Supreme Court eventually got around to striking down the iniquitous antimiscegenation laws, no one would expect the government to take measures to "encourage, let alone enforce, mixed marriages." But if people were entitled to be free from political coercion in their choice of holiday resorts or marriage partners, Arendt argued, they should be allowed exactly the same choice about the company their children keep in school.

The argument is a fine example of Arendt's extraordinary stubbornness. On occasion she acknowledged that politics of the kind she revered was impossible in a context of severe social injustice, and she ought at least to have wondered whether inequality in access to education might put citizenship in danger in a way that inequality in access to holiday hotels or marriage beds does not. If her pure-minded axioms really made it illegitimate for politics to defend itself by getting mixed up in social, moral or economic affairs, she should surely have considered revising them in the light of experience rather than insisting on them whatever the cost. It would seem that she never grew out of her early dogmatism, and that she was better at preaching the self-critical art of judgment than putting it into practice.

The same applies to her view of history and her self-appointed task of rescuing politics from the enormous condescension of philosophy. Any impartial sampling would indicate that she had gotten the problem the wrong way round: Philosophers who have reflected on political processes have on the whole been rather starry-eyed about them and not at all contemptuous. Even Plato, whom Arendt regarded as the supreme example of philosophy's disdain for politics, ranked politicians well above poets and artists, not to mention merchants, cobblers, slaves and practically everyone else except philosophers. Karl Marx was surely nearer the truth when he suggested that politics was not much more than a sideshow—part of the "ideological superstructure" alongside law, art, religion and indeed philosophy—and that the Western philosophical tradition had always made a fetish of it.

Arendt barely touched on Marx in *The Origins of Totalitarianism*, but in the 1950s she tried to remedy the omission in a couple of manuscripts that have now been compiled by Kohn in *The Promise of Politics*. It is easy to see why she never published them herself, as they do not show her at her best. She was always quite hostile to Marx (she thought he was simply "not interested in freedom or in justice"), and in an act of interpretive violence that is unusual even for her, she assimilated his skepticism about political action into her own preconceived scheme: He was yet another antipolitical prophet of totalitarianism—a philosophical snob in "the tradition that began with Plato," and "the last political philosopher in the West." These claims may be sufficiently

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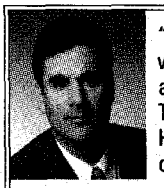

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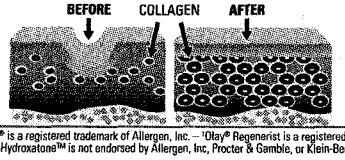

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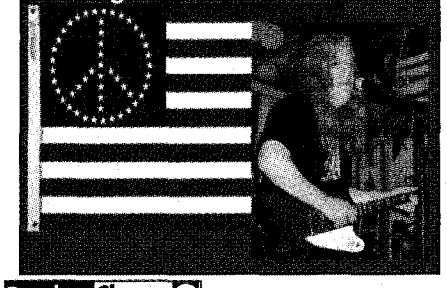

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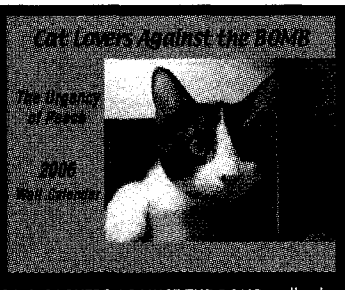

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vague to be saved from being false. But if Marx can be dismissed as just another Platonist, then it is hard to see who could ever escape the charge.

It never seems to have occurred to Arendt that if she sniffed Platonic condescension toward politics wherever she looked, it might be because it emanated from her. If she was as keen on the purity of politics as Plato was on the purity of philosophy, it was perhaps because politics as she conceived it was little more than philosophy by another name: a gracious art of respectful, self-critical listening that must always be allowed to take its time. But politics is also about emergencies, catastrophes and deadlines, and if it embodies a set of high republican principles of the kind that Arendt championed, it also contains much else: on the one hand a mass of more or less efficient administrative routines, and on the other elements of compulsion, folly and delusion, or—as Marx would put it—of tragedy and farce. She may have been right to defend the "promise of politics" against our reckless hopes and fears; but she should also have remembered that promises are often broken. ■

FILMS

Cruel and Unusual Punishment

STUART KLAWANS

CACHÉ (HIDDEN)

I begin with the straight razor, the razor blade, the keen metal stud, the hacksaw—all the tools that have sliced into human flesh in Michael Haneke's films, advancing his plots while they mirror his style. His images are cold, gleaming and precise; his view of characters, dispassionately cutting. Think of Haneke as a clinician, dedicated to treating society's ills, and his movies will seem like scalpels. Think of him as a less benevolent type, and the films become Austrian chain saws.

It seems that most viewers have seen the scalpel in his widely admired new picture, which for the American market has been helpfully subtitled right in its name, as *Caché (Hidden)*. Like virtually all of Haneke's films, this one scrapes away at the surface of polite European affluence to lay bare the moral rot beneath. Daniel Auteuil stars as Georges, the host of a popular French television show about recently published books; Juliette Binoche plays Anne, his appropriately elegant wife; Lester Makedonsky is their teenage son, Pierrot, whose ways are (of course) impenetrable; and Maurice Bénichou appears in the crucial role of Majid, the figure from a dark past.

The slightly melodramatic note in my summary is intended, as it is in *Caché* itself. Beginning with the first image—a stationary long shot of a residential street in Paris, held and held until the ordinary, day-lit scene fills with dread—Haneke practices his version of Hitchcockian suspense, and even offers the ploy of a thriller plot. As you soon learn, that opening view of the street is part of a surveillance video of Georges and Anne's home. What snoop made the cassette and then dropped it at their door? Why are they being watched? As the couple, already bickering in their first scene, start to imagine threats and cast about for clues, you are drawn into their sleuthing, even as you realize you're somehow searching for yourself. Georges and Anne are unnerved because they've been seen—and there you sit, hypocrite voyeur, observing them and wondering who has exposed their discord.

A sophisticated gambit, expertly played. Even if you dislike *Caché*—and I do—it's impossible to deny the formidable intelligence at work in the film. There's a reason Haneke was named best director at Cannes, why *Caché* got a prominent slot in the most recent New York Film Festival, why at the end of 2005 various critics' groups and the European Film Awards cited *Caché* as the year's best picture. There's also a reason to resist *Caché*—but to propose it, I'll need to conduct a quick review of Haneke's career.

He began his work in feature films in 1989 with *Der Siebente Kontinent* (*The Seventh Continent*), an exquisitely, immaculately depressing examination of a middle-class Austrian family that no longer found life worth living. Was the movie a case study, an allegory, a diatribe, a warning? The power

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of *The Seventh Continent* lay in its being all of these and none—an effect that Haneke achieved by avoiding any explanations, whether psychological or sociological. He just (just!) showed the surface of things.

His next film, *Benny's Video* (1992), was even stronger. Once more, the milieu was the Austrian bourgeoisie; once more, the plot hinged on a horrifying, senseless act of violence. Some viewers, rushing to provide an explanation for the crime, decided that *Benny's Video* was made to decry television's baleful influence over the young. But Haneke's presentation of the story was again so objective, with each detail given such precise and independent weight, that no single reading of the story would do. Did Benny kill because he had too much money, too little love and guidance, too loose a connection to the three-dimensional world, too close a connection to the Nazi past, too conflicted a libido, too evil a soul? Yes.

From these early works, it was clear that Haneke's approach could be compelling; but it also could prove facile, as it did in his third film about the eruption of violence, *71 Fragmente einer Chronologie des Zufalls* (*71 Fragments of a Chronology of Chance*) (1994). The alternative title, *Amok*, tells all you need to know about the story. A young man goes about his banal life and then goes postal; and this time the audience doesn't wonder why he kills. He slaughters people because Michael Haneke can't figure out what else a fictional character might do.

This incapacity of Haneke's imagination reached a crisis point in *Funny Games* (1997), which consisted of almost nothing but acts of torture and murder, as visited upon a middle-class family. Most people have found the movie unwatchable; but it's worth noting anyway, as the first film in which Haneke posed the question of the audience's complicity in the acts shown onscreen. As if taking up the simplistic, blame-the-media reading of *Benny's Video*, Haneke had his bad guys in *Funny Games* provide one of the staples of movie entertainment—the thrill of bloodshed—and then keep providing it relentlessly, until viewers could be entertained no more.

Of course, Haneke is too smart a man, and too alert a moralist, to have been content for long with this crude method of gagging people on their own appetite for violence. Taking his first major foray out of Austria, into the world of French co-production, he went on to make the thoughtful and challenging *Code Unknown* (2000): a deliberately disjointed, discontinuous puzzle-picture about an actress (Juliette Binoche) and her photojournalist

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boyfriend (Thierry Neuvic). By profession, in their separate ways, this couple sold the public an opportunity to sympathize with suffering humanity, as glimpsed in exotic images of war and terror; but when a horror was taking place right where they lived, the actress and photojournalist shut their eyes and ears.

By now the political and social implications of Haneke's filmmaking could no longer be elided, as they had been in his earlier work, since his fictional world had grown more expansive. *Code Unknown* encompassed a polyglot, multiracial, border-crossing cast of characters, some of them affluent, some poor, some working hard and just getting by; and nobody was the clear moral superior of anyone else. Even a righteously indignant young man of African background, who seemed at first to be a voice of conscience, could prove at another moment to be careless and self-indulgent; even the actress, however encased in the privileges of her career, could abruptly become the sympathetic victim of an ugly, biased assault.

Most important of all, *Code Unknown* explicitly questioned the responsibility of the actress and the journalist for the images they presented to the public. In so doing, the film also implicitly questioned Haneke's moral position. Was he bent solely on exposing unpleasant realities? Or was he, like the audience, hoping to gratify his own appetite for thrills?

These were precisely the questions that Haneke did not ask in making his next picture, *La Pianiste* (*The Piano Teacher*) (2001), which turned out to be his first international hit. Well, you can't argue with success. But since you can object to it sometimes, I will say that this picture, to me, seemed to be little more than an exercise in humiliating Isabelle Huppert. That she cooperated enthusiastically in the abuse excused nothing. Why would Haneke have wanted to make Huppert crawl, grovel, cover herself in filth and pretend to mutilate her flesh? And why should he take this famously beautiful and talented woman and make a spectacle of her character's being too old and undesirable for a young man? Was it because this teacher at a Viennese conservatory represented the dead weight of bourgeois culture? (But she didn't. The scenes of her pedagogy were so absurd, she might have been Professor McGonagall at the Hogwarts School of Ivory-Tickling.) Or was Haneke, as some viewers supposed, casting a searing gaze into one woman's tortured soul? Sheer melodrama, if so—and again, he was the primary torturer.

But he was a torturer who had succeeded in amusing himself while giving the people what they wanted. Now he has managed the trick again, with *Caché*.

What is it, exactly, that's hidden in this story? Moviegoers who don't want to be tipped off should stop reading now. For everyone else, I will explain that two underlying mysteries come to light in the film. One is an actual state crime of the early 1960s—the murderous suppression of Algerians living in France—which the French would prefer to forget. The other is a private, fictional wrongdoing from the same era, which Georges at age 6 committed against an Algerian boy. *Caché* links the two into a single chain of social and personal guilt, while suggesting (in the manner of *Code Unknown*) that people who are concerned about distant crimes should also pay some attention to what's happening at home.

Yet *Caché*, unfortunately, is not *Code Unknown*. Despite Haneke's inclusion of significant Algerian characters, he has contracted his social world again, so that you're locked into Georges and Anne's pricey milieu. And they're bad people. Never mind that Georges sinned decisively when he was only 6. We are meant to understand that he was a rotten, greedy little racist then, and he's a rotten, greedy big racist now. The film's Algerians, by contrast, are good people—so good that Majid (stop reading now, if you don't want to know) will actually slit his own throat for Georges. Obliging Arabs! They kill themselves to save white men the trouble.

Haneke the Slasher wields his knife again. The writer-director of *Code Unknown* would have examined his own impulse to make Majid die. But the current Haneke never posits his complicity in the scene. Only the audience is complicit—and not in any violence against Arabs. We voyeurs, sitting in the safety of our movie theater, participate imaginatively in the torture of Georges and Anne only. No wonder that this exposé disturbs the conscience so little; no wonder that the film's most ardent admirers have turned out to be people of Georges and Anne's own station. Far from being an expression of liberal guilt (the charge against which some commentators have defended the movie), *Caché* is an appeal to liberal self-regard.

And a fancy one at that. With Auteuil and Binoche as his stars, with the best Parisian living spaces as his settings, Haneke strips away only the most chic trappings of bourgeois respectability. The performances: superb. The cinematography: glistening. The directorial skills: worthy of golden palms.

They should have called it *Cachet*. ■

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BRONX (RIVERDALE)/WESTCHESTER, NY, *NATION* DISCUSSION Group meets one afternoon a month. For further information please phone Florence Gold at (718) 549-1601.

CINCINNATI *NATION* DISCUSSION GROUP meets regularly. Call Judith or Herbert Shapiro at (513) 861-4641.

EASTERN OKLAHOMA *NATION* DISCUSSION GROUP looking for members. Please contact Howard Kelley at (918) 627-9136.

INTERESTED IN JOINING THE HOUSTON *NATION* DISCUSSION group? Contact Charles Mauch at (713) 524-2492 or e-mail chasmauch@aol.com.

MONTPELIER, VT, *NATION* DISCUSSION GROUP is meeting. For information call (802) 229-9918 or e-mail lnichol@together.net.

NORTH JERSEY *NATION* DISCUSSION GROUP: Coordinator is Trudy Anschuetz. Call (973) 746-4135 or e-mail TGOBLUE1@aol.com.

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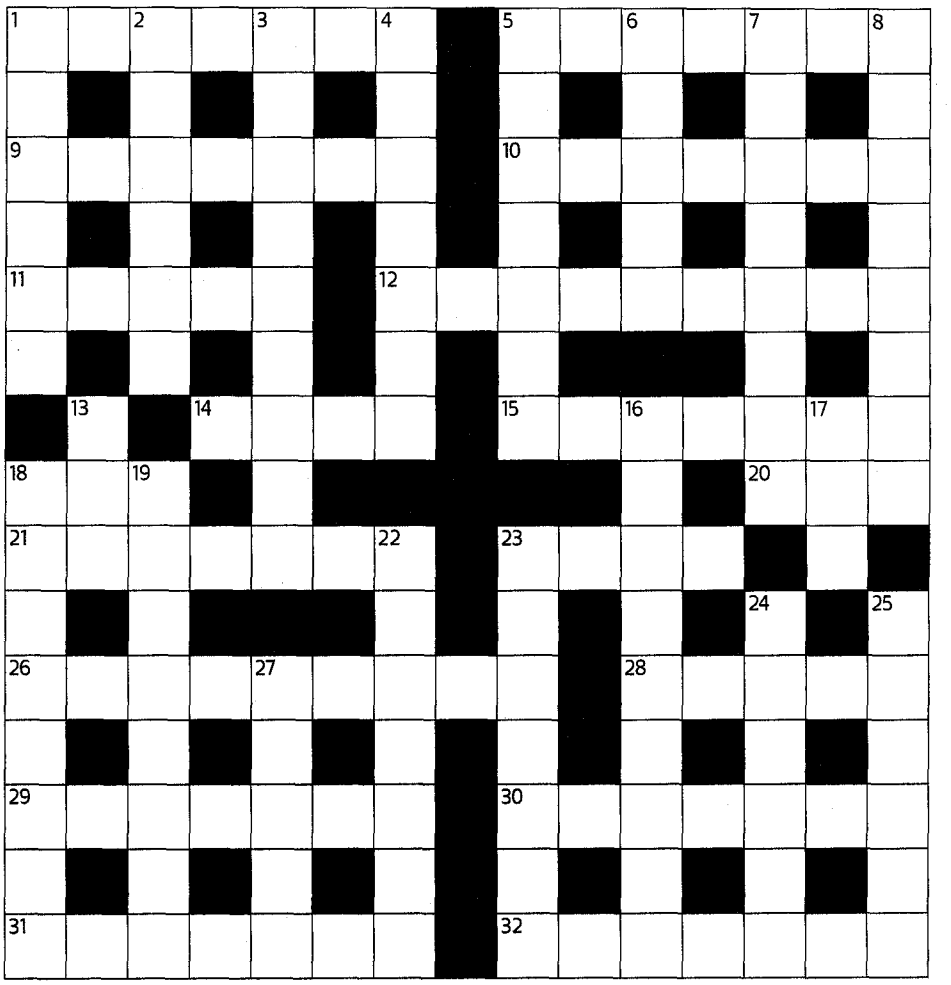

ACROSS

1 Perhaps strike what you do when you take the chair. (3-4)

5 Beasts of burden surround a leftist hero, missing the point, to show what one does to help things grow. (7)

9 Part of such, if fond of pie made this way. (7)

10 The French beetle, for example, has a job cut out for him. (7)

11 A gap in the hills, with an absence of Tchaikovsky's beginnings. (5)

12 Pays off, with that filthy stuff around at 4, as the Romans say. (9)

14 Puts a bit extra on the expense account, writing things down on these. (4)

15 This magazine is only slightly disturbed about the beginning of lawlessness, as shown by one who might lie in prey. (3,4)

18 Thus, as Brutus said, it is almost ill... (3)

20 ...and described as the most unkind. (3)

21 Possibly thirsts for what people might wear, alone or with another. (1-6)

23 The girl who is associated with 14 by the painter. (4)

26 The old-fashioned entertainment that is a seldom-found production around the capital of England. (5,4)

28 The girl who accumulates a hoard, possibly. (5)

29 Once worn by women indoors, or perhaps the headgear of the gang. (7)

30 If you want to see what almost cripples some people, look around what the hesitant might say to the wife in very uncouth fashion. (7)

31 The heart of the matter involves uncle a bit confused with you and me. (7)

32 Guns and such imply a cold come-down in return, with an ape loose inside (or a lightly sautéed snow pea). (7)

DOWN

1 and **18** Not a one-time author, obviously, since he has perhaps climbed to the upper level to obtain his rewards. (6-5,3)

2 Manipulates and makes fun of someone about a point suggesting what belongs to Oliver. (6)

3 No longer live, having given up the oxygen. (3,3,3)

4 Not necessarily minus, but it's a way to put people off. (7)

5 Not good French, and not currently coming up and down in direct fashion. (You might need a cane for it.) (7)

6 *The Music Man*'s Marian started out with such a heavenly sign. (5)

7 Pretty awful—especially here in Latin, for if it is wrong internally, it will show. (8)

8 and **25** Enlisted man with more than one officer—and they have quite a few stripes. (8,6)

13 Towel marking, possibly. (3)

16 You should avoid this disease like the plague—especially if your name is Bunny! (Obviously, those from Katul are MIA!) (9)

17 Not safe at home, possibly—or away from it. (3)

18 See 1

19 What belongs to the girl in "square" form—just like a little angel! (8)

22 Real break-ups! (7)

23 A big wind down under? How unfair! (3,4)

24 Where a hunter would be unlucky to catch nothing in the West Indies. (6)

25 See 8

27 Duck belonging to the little girl of the cabin, and of the French. (5)

SOLUTION TO PUZZLE NO. 3018

S	T	A	R	T	L	E		D	E	C	I	B	E	L
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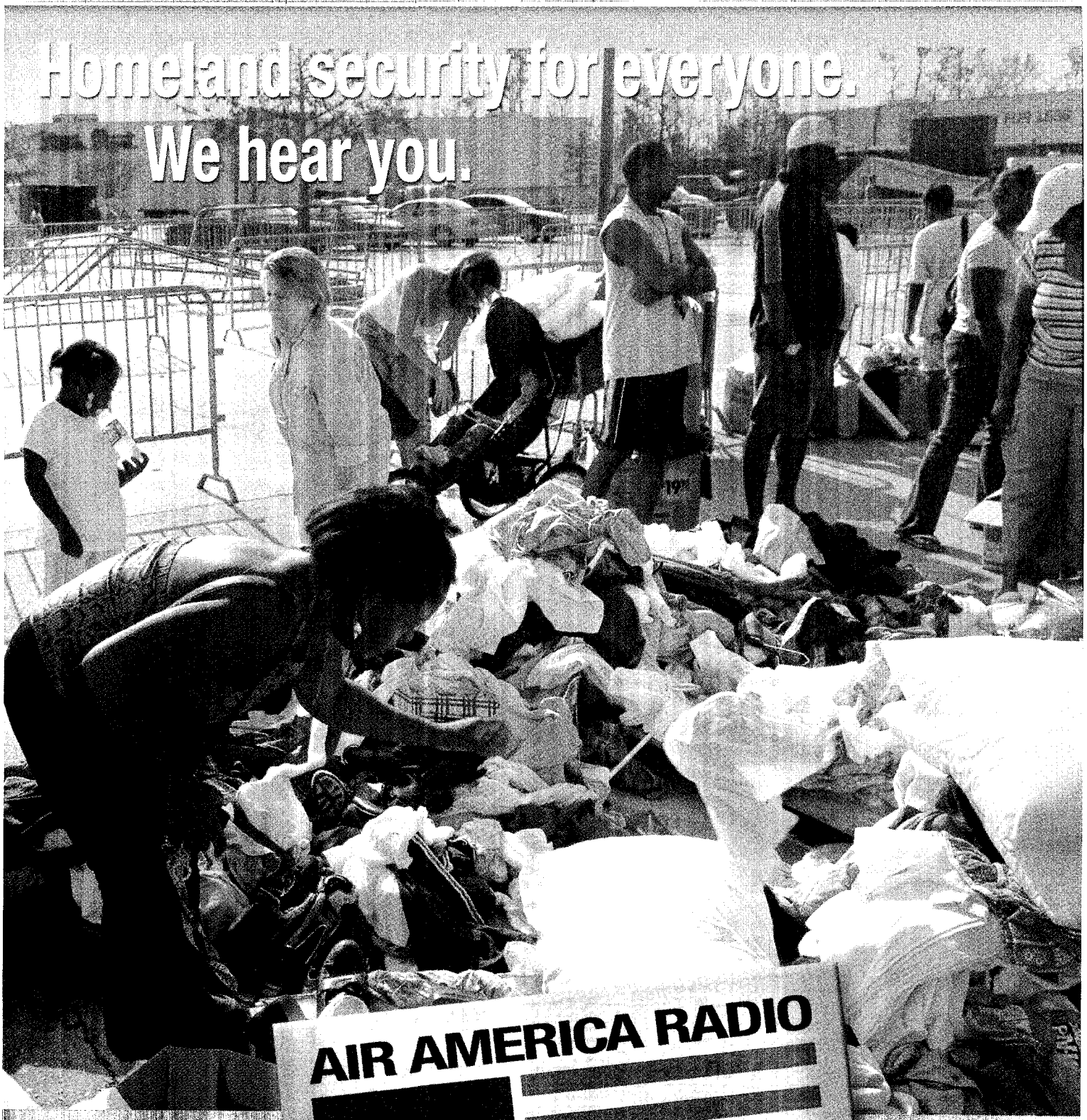

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